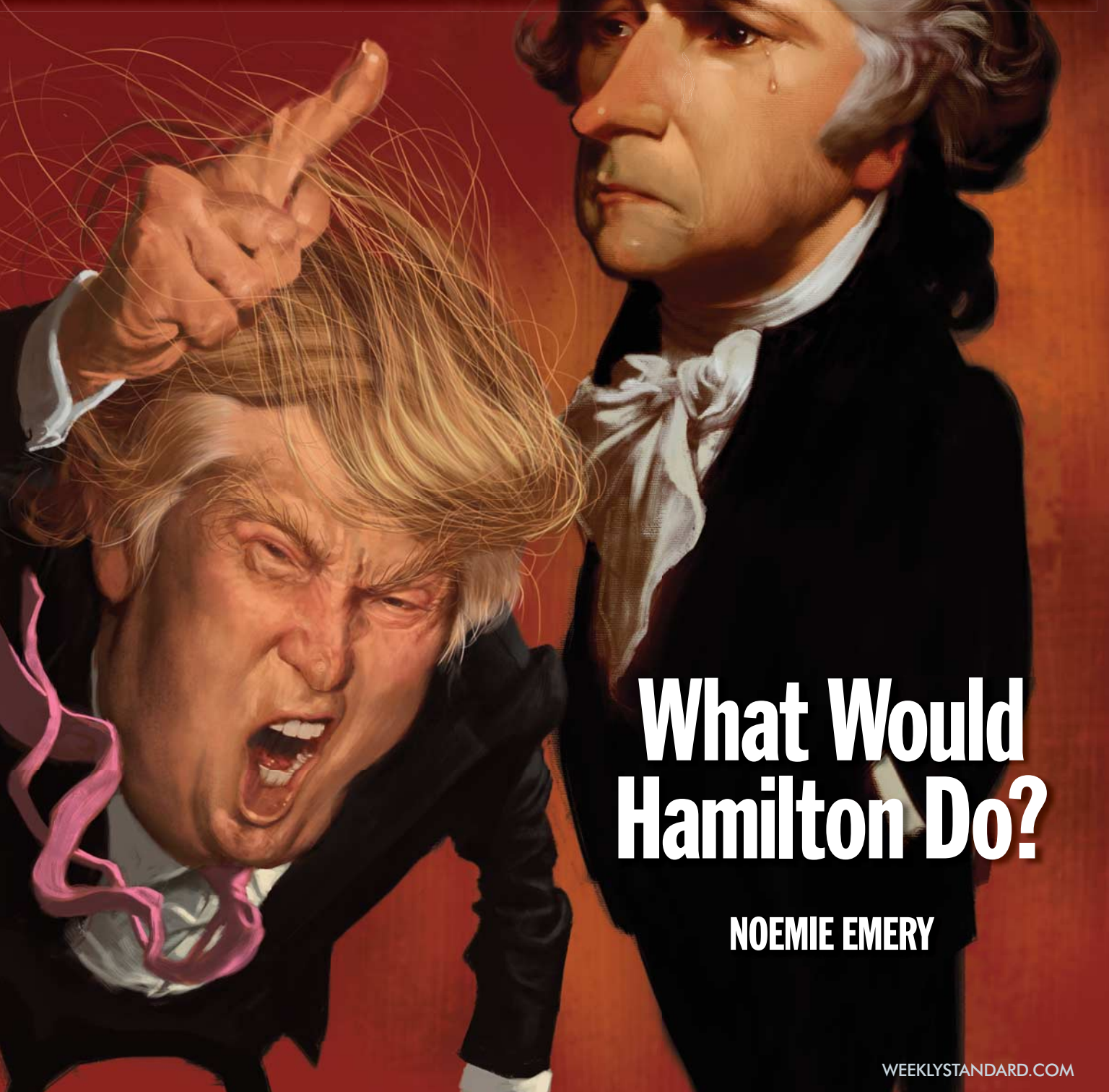


**FLINT AND  
THE MYTH OF  
ENVIRONMENTAL RACISM**  
JONATHAN BRONITSKY

the weekly

# Standard

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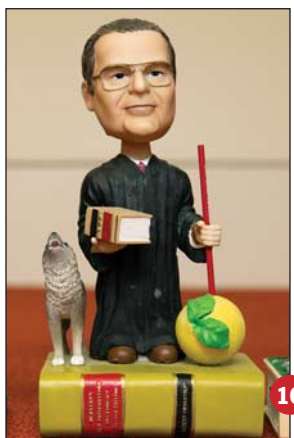


## What Would Hamilton Do?

**NOEMIE EMERY**

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COVER BY THOMAS FLUHARTY

# Nancy Reagan, 1921-2016

If there is a more awkward position in American public life than first lady, THE SCRAPBOOK is unaware of it. The president's spouse—and of course, thus far, they've all been women—is elected by no one and enjoys a certain status undefined by any statute. But she is front and center in the press, very much a part of her husband's political apparatus, and an endless source of criticism, gossip, and speculation.

The first lady is expected to be competent, decorative, and discreet—and to be regarded as an asset, not a liability, to her husband. The fact that most modern presidential wives have successfully navigated these perilous shoals is a tribute to two salient facts: The American people are fundamentally generous in their attitudes toward public figures; and most men, presidents included, marry above themselves.

The death this past week of Nancy

Reagan, at the age of 94, reminds us of our increasing distance from the Reagan presidency. It has been 27 years since Ronald and Nancy Reagan left the White House, and in the



*The Reagans at the Stork Club in New York City, 1952*

intervening quarter-century, much has changed in America and in the wider world. But the Reagan years remain a lodestar, to friends and foes alike, and Ronald Reagan set a standard to which all subsequent presidents aspire.

How much of this was due to Nancy Reagan will never be fully known, but there can be no doubt that she was both a valuable partner and luminous first lady. This is all the

more impressive given the obstacles she faced. The Reagan presidency was a decisive break with many domestic and foreign policies of the recent past, and the partisan atmosphere in 1980s Washington—indeed, in 1980s America—was no less rigorous than it is now.

Yet part of Ronald Reagan's success was his seemingly effortless ability to transcend such differences and to dominate the landscape. This owed much to his natural skills as a politician, and nearly as much to the public face and private counsel of his life's partner. Nancy Reagan was a gracious, elegant, and captivating first lady; she was also smart and effective. No president, and no country, could ask for more. ♦

## Bowdoin Wrongdoing

In early March, a story made its way into the national media that could have come out of *Monty Python's Flying Circus* or some other absurdist British comedy revue of the mid-20th century. A group of Bowdoin College students were invited to a “tequila party” on February 20. Someone handed out sombreros.

Two days later, in an email sent to all students under the heading “Investigation,” dean of student affairs Tim Foster wrote: “It has come to my attention that an act of ethnic stereotyping may have occurred at the College over the weekend.” Foster mentioned

that he had been in contact with college president Clayton Rose, who in turn wrote that Bowdoin must be a place where “race, ethnicity and other aspects of identity are not mocked or stereotyped, but rather are understood and celebrated.”

On February 24 the Bowdoin students' general assembly voted unanimously to condemn this act of “cultural appropriation” and to demand that administrators establish a “supportive space for students who have been or feel targeted.” The assembly made clear that it “adheres to the definition of cultural appropriation as the manifestation of racism where there exists a power dynamic in

which members of a dominant culture take elements from a culture of people who have been systemically oppressed by that dominant group, perpetuate racist stereotypes, and/or misrepresent a people's culture.” In other words: They made fun of my hat.

One wants to split one's sides laughing. Some news outlets did. The headline in London's *Independent* was incredulous: “Students Offered Counselling over Small Sombrero Hats at Tequila-Themed Birthday Party.” Defenders of the college's administration complained that this was a gross oversimplification. President Rose blamed the social-networking app Yik Yak for having provided a platform where

HULTON ARCHIVE / GETTY IMAGES

students could complain anonymously about the high-handedness of his administration. (“Once again, Yik Yak is a place for misinformation and for ignorant and hurtful comments that stereotype, marginalize and threaten.”)

Well, then, what did happen on the 20th?

Bowdoin has a storied history. In the 1820s Nathaniel Hawthorne, Henry Wadsworth Longfellow, and Franklin Pierce all attended at the same time! But this century it has acquired—and it has earned—a reputation as one of the country’s small colleges least tolerant of pluralism and free thought. (See the monumental 2013 report *What Does Bowdoin Teach?* authored by Peter Wood and Michael Toscano for the National Association of Scholars.)

College students sometimes act up, but THE SCRAPBOOK suspects nobody did at that tequila party. So vigilant and “proactive” is Bowdoin about fighting “intolerance,” if any demeaning, taunting, or harassing went on, we’d probably have heard about it.

But, since it is our country, forgive us if we don’t LOL as readily as our British colleagues. Bowdoin, a once-great American institution, is not being hypersensitive and ridiculous. It is being authoritarian in deadly earnest. Notice that the assembly’s complaints of cultural appropriation were followed by a summons to intolerance and retribution: “The Assembly furthermore asserts that such behavior as displayed on 20 February 2016 and the anonymous attacks in the aftermath are unacceptable and do not reflect inclusive values. Such behavior will not and should not be tolerated by the Bowdoin community.” The resolution recommended that the college “develop processes for punitive measures to be undertaken against those involved in such incidents.”

Punitive measures appear to have been carried out. An op-ed in the *Bowdoin Orient* alleged that “punishments were given without any opportunity for students to defend themselves. The girls who threw the party are being kicked out of their room and forced to move, as well as being placed on social



probation.” Those who attended the party had been reprimanded, the correspondent alleged.

It is no wonder that further details are hard to come by, or that students who disagree with the political activists among them have resorted to anonymous posts on social media. The administration and the vigilantes of conformism it has empowered mean to stifle contrary views and have the disciplinary tools to do so. They are not whimpering and hypersensitive. They have got an imaginary grievance in their fevered heads and they are carrying it into the public square in hopes of finding people whose lives they can wreck. Certain Bowdoin parents must

by now feel they are paying \$60,000 a year in order to subject their children to persecution. Are they wrong? ♦

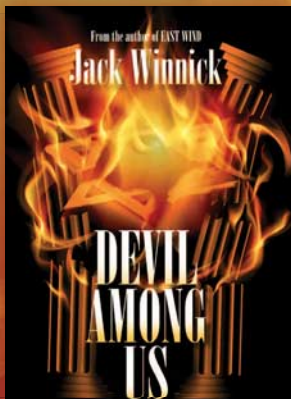
## Photogenic Predators

Another day in L.A., another celebrity suspected of going on a killing spree. The celebrity suspect in this case goes by the name of P-22 (and no, he isn’t a rapper). P-22 is the designation conservationists have given a young mountain lion living in Griffith Park, near Hollywood. P-22 was recently lionized (sorry, couldn’t resist) by CBS’s *60 Minutes* in a story about efforts to make Los Angeles more wildlife-friendly. The puma made his

## 2 INTERNATIONAL ANTI-TERROR THRILLERS!



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first star-turn in *National Geographic*, which snapped a picture of the hep cat prowling by the Hollywood sign.

Griffith Park also happens to be home to the Los Angeles Zoo, one of whose koala bears mysteriously disappeared. What was left of the cuddly koala's cuddly carcass was found down the road from the zoo. P-22 wasn't actually seen eating the unfortunate marsupial, but the lion was spotted, as they say, in the vicinity.

National Park spokesman Kate Kuykendall told a local TV station there wasn't anything to worry about: If P-22 did indeed raid the zoo for his dinner, "This wouldn't be an example of him behaving aggressively or abnormally." That's a relief.

A couple of weeks ago, THE SCRAPBOOK noted a study by the California Department of Fish and Wildlife that found P-22's diet is no anomaly. Mountain lions are supposed to make deer their main dish, but it turns out California's big cats have been making regular meals of house pets and livestock. Ranchers are told to keep their sheep and goats locked in covered enclosures. And it's best not to leave toddlers unattended.

All very helpful information. However, until this point there had not been a circular with specific advice for keeping koala bears from being eaten. An oversight, we're sure.

If you are a wildlife advocate concerned that P-22 may be getting himself in trouble, don't worry. Notoriety rarely dents the careers of photogenic predators. Consider other recent California celebrity news: Just released from prison, one Jeremy Meeks was met with a flurry of job offers, according to his agent. Meeks catapulted to social-media fame in 2014 when Stockton police posted his mugshot online, and the Facebook world found him to be dreamy in a dangerous sort of way. Oh! the "chiseled" jaw. Oh! the teardrop tattoo (a gangland commendation, Meeks allows, for doing some things he "isn't proud of"). The "Hot Felon" (Meeks's social-media moniker) will now be a model and, let's hope, perhaps even a model citizen. At least he won't be a threat to koala bears. ♦

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## Right on Schedule

“Do these things start on time?” These were not the words I was hoping to hear when I answered the phone, particularly not en route to the ballet, running late, and trying to catch a Metro train. I should pause to specify that I was boarding the train alone, which is why I took my friend Yakov’s call in the first place.

“Yes,” I said, probably sounding a bit more short than I should have. “It’s a ballet.”

At this point, the train was pulling up to the platform. The best analytics Google had to offer told me I was beyond cutting it close. It was 6:40 and the curtain was going up on the Mariinsky Ballet at 7. It’s this train or miss the show. So I get on.

“Traffic is really bad,” he says. “The GPS says I won’t get there until 7:20.”

I’m unsure how well cell phones work when you’re jammed into a ’70s-vintage tin can with seats, hurtling through concrete tunnels underground. Supposedly the only thing blocking underground calls is that no company yet owns the underground airspace. I guess I’m about to find out.

I tell him that he should at least be able to come in after the first act. He’s in the process of telling me whether he considers Saint Petersburg ballet worth an additional half an hour in traffic when the connection cuts out.

Journalism has a few professional perks. One of them is the press pass to theater and art events that would generally be outside the budget of young professionals. It’s one I fully intended to take advantage of. As the darkness of the tunnel closed around me, I wished Yakov well. He was on his own now.

Grasping my phone tightly in one hand and my Metro pass in the other,

I perched anxiously on the edge of my seat, trying to restrain myself from repeatedly updating Google Maps. At this moment I was quite literally a moving object coming up against something solid, fixed, and unchangeable: a deadline.

Time is your enemy.

It’s an expression my dad liked to repeat when I was a kid. To him, it



encompassed several life lessons in a mere four words, conveying both the sense of never having enough time and also impressing the importance of punctuality.

I come from very punctual stock. And as I count down the stops between Dupont Circle and George Washington University, I feel like I have somehow let my forebears down. My grandfather, famous for showing up so early that my mother took to inviting him to dinner half an hour later than she intended to serve it, would never have been in this situation. Neither would my brother, who as a child once reset all the clocks in the house to run 20 minutes fast, just so he’d never be late. Or my mother, who would have told me to give myself an extra 15 minutes.

But.

But I was waiting for someone. Adopting a philosophy that any man who falls behind gets left behind seemed somewhat militaristic. And I’ve never liked feeling uncomfortably early, adopting the sort of extreme punctuality that makes you the first person to arrive at an event, rattling around with the inescapable fact that *you are the only one here* until the rest of the party arrives. Early has always seemed somewhat excessive. I strive for punctual, walking in the door like Phileas Fogg with mere seconds to spare. What I was trying to persuade myself was that this was a reasonable course of action. After all, I’m not like my Greek friend, who shows up to everything an hour-and-a-half late.

And yet, seconds to spare leaves very little cushion time for Metro trains, wrong turns, and friends who underestimate traffic.

No, I’m not trying to bargain. You can’t bargain with time, so this is more an attempt to rationalize. Yes, I could have left earlier, and probably should have, but I had waited for Yakov at the train station and he was late.

Of course, so was I. Where did that leave me? To quote Shakespeare, “the quality of mercy is not strained. It droppeth as the gentle rain from heaven.” Does that apply to the tardy as well? As I raced up the escalator and down the street, the minutes ticking towards curtain time, I vowed that from now on I would remind my friends of traffic, take an Uber, leave five minutes earlier.

In the end, I made it by the skin of my teeth. I earned some dirty looks from the ushers shooing me down the aisle, but as the lights dimmed, I was in my seat.

And Yakov? He appeared during the first intermission, having watched the opening act from some seats in the back of the theater—seats for those who came late.

ERIN MUNDAHL

# The Horror

Two months ago, in an editorial whose headline expressed both a hope and an imperative—“Neither Trump Nor Hillary”—we concluded, “Can the Republican party be saved from Donald Trump and the country from Hillary Clinton? The possibility of defeat is obvious and of failure is close.”

The possibility of defeat remains obvious. The possibility of failure is closer today. Though a substantial majority of Republican primary voters have resisted the allure of Trump, and though he’s falling short of winning a majority of the delegates selected so far, he’s ahead of everyone else in the race for the Republican nomination.

But there remains a reasonable chance to defeat Trump. There remains the possibility of selecting a nominee who will not be an embarrassment to the Republican party and the country. Meanwhile, the Democrats seem stuck with Hillary Clinton. The only alternative in their contest is a fellow-traveling socialist even less qualified for the presidency than she is.

So it’s up to Republicans in the states still to vote to save us from the manifestly unsatisfactory choice of Trump or Clinton. Indeed the prospect of such a choice is more than unsatisfactory. It’s deeply demoralizing, not to say historically horrifying. It would be unprecedented in our lifetimes.

Since World War II, from 1948 on, the Republican party has nominated 12 men for president of the United States: Thomas E. Dewey, Dwight Eisenhower, Richard Nixon, Barry Goldwater, Gerald Ford, Ronald Reagan, George H.W. Bush, Bob Dole, George W. Bush, John McCain, and Mitt Romney. These candidates were of varying quality. They had a mixed record of electoral success, winning nine elections and losing eight. But all had either personally impressive achievements or politically principled convictions; some had both. Of the five winners, some had records as presidents of which to be proud, others less so. But none was an utterly unprincipled demagogue. None was a Donald Trump.

In these 17 elections, the Democrats have offered up 13 nominees: Harry Truman, Adlai Stevenson, John Kennedy, Lyndon Johnson, Hubert Humphrey, George McGovern, Jimmy Carter, Walter Mondale, Michael Dukakis, Bill Clinton, Al Gore, John Kerry, and Barack Obama. One could argue that Hillary Clinton doesn’t fall as far below the Democratic norm—especially the norm in recent elections—as Donald Trump does below the Republican. Still, Hillary Clinton is close to the bottom of what has become an increasingly undistinguished barrel.

So is this really what we have come to in 2016? A choice between an utterly mediocre limousine liberal and an utterly repellent pseudo-conservative rabble-rouser?

It need not be. Republicans still have it in their power to save the country from this choice. As of this writing, more than half the GOP delegates have yet to be selected; even after the Ides of March, about 45 percent of the delegates will remain to be chosen. There is time to defeat Trump.

If time runs out, and Trump prevails in the Republican contest, many of us will rally behind an independent Republican candidate to save the honor of the party, and to offer a decent alternative to the American people. Edmund Burke, the founder both of party government and of modern conservatism, wrote, “When bad men combine, the good must associate; else they will fall one by one, an unpitied sacrifice in a contemptible struggle.”

If offered a truly bad choice by our two parties, many of us will choose not to go gently into the night as unpitied sacrifices in a contemptible struggle between Donald Trump and Hillary Clinton. But it would be better not to have it come to this. Republicans still have a chance to associate in a good cause. They still have a chance to do their party and their country the signal service of denying Donald Trump the nomination of a party which, for all its flaws and deficiencies, has never failed so horrifyingly nor permitted itself to stoop so low.

—William Kristol



Burke: ‘The good must associate.’

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# Iranian Impunity

Last week, Iran tested ballistic missiles capable of striking American allies in the Middle East. As the Islamic Republic is eager to make clear, Israel is the primary target. The second launch featured the Qadr H, a precision-guided missile with a range of roughly 1,250 miles. The clerical regime stamped the Qadr H with a Hebrew translation of the slogan “Israel must be wiped off the face of the earth”—just so there would be no mistaking the message.

But it's not just Israel that Tehran means to terrorize. As Islamic Revolutionary Guard Corps commander Mohammad Ali Jafari put it, “It is the enemies of the Islamic Revolution and regional security that should be afraid of the IRGC missiles.” That is, the IRGC means to scare other Iranian adversaries within range as well as Israel—for instance, Turkey, Jordan, and the Gulf Cooperation Council states, Saudi Arabia most prominent among them.

And the Iranians have an even more important audience in mind—the United States. It's a warning, to President Obama and whoever comes after: Don't mess with Iran.

Iran knows the Obama White House is very unlikely to push back, never mind impose “snap back” sanctions, even though the missile tests violate U.N. Security Council resolutions. It seems that nothing could move this administration to check Iranian aggression. When Iranians set fire to the diplomatic missions of longtime U.S. ally Saudi Arabia, the Obama administration briefed reporters that it was Riyadh's own fault for executing a Saudi Shiite preacher. When the IRGC kidnapped 10 American sailors and violated the Geneva Conventions, the administration insisted the Iranians treated their hostages really super well.

But no matter how much cover the White House has given Iran, no matter how far it has gone out of the way to ingratiate itself with the clerical regime and thereby keep Iran from scuttling the president's beloved nuclear deal, the mullahs still don't think America has been sufficiently humbled. Even if Obama is determined to undo the American order of the Middle East, the Iranians are surrounded by our traditional regional partners, a vestige of American power, whom they seek to intimidate.

In this respect, the Iranians and the Obama White House see the world very differently. Tehran sees it the old-

fashioned way: Allies are useful instruments in projecting power. That's why Iran considers Hezbollah a valuable asset and why it's thrilled to partner with Russia in order to save another ally, Syrian dictator Bashar al-Assad.

For Obama, allies are as often as not a nuisance. France and the United Kingdom, as he told the *Atlantic's* Jeffrey Goldberg last week, are “free riders.” Obama thought that David Cameron and Nicolas Sarkozy were going to take the lead on Libya in toppling and replacing Muammar Qaddafi, but, in Obama's telling, the former got distracted and the latter turned out to be a braggart. In other words, Obama was surprised to learn that leading from behind isn't really an option for an American president. Instead of dealing with the world as it is, Obama gets peeved whenever reality doesn't quite conform to his dreams.

For Obama, allies are exasperating, and the worst of the worst are in the Middle East—namely, all those people targeted by the Iranians.

According to the interview with Goldberg, King Abdullah of Jordan expressed reservations about Obama's policies behind his back, and the leader of the free world “told the king that if he had complaints, he should raise them directly.”

Recep Tayyip Erdogan used to be a friend until the Turkish leader disappoointed Obama by not solving the Syria crisis.

And Israel? Prime Minister Benjamin Netanyahu lectured Obama on the Middle East, and the president bristled because he knows what hardship is like. And why, Obama asked former defense secretary Leon



*Iranian missile launch*

Panetta, does the United States have to ensure Israel's qualitative military edge?

The Saudis, Obama told Goldberg, won't “share the Middle East with Iran” and instead blame Tehran as “the source of all problems.” What the Saudis want, Obama complained, is for the United States to use “our military power to settle scores.”

Actually, what the Saudis want is the same thing Israel, Jordan, Turkey, France, the United Kingdom, and other U.S. partners around the globe want: to know that their superpower ally stands with them. What they learned last week, if they hadn't already, is that nothing the Iranians do will move Obama to resist. And an interview in which the American president publicly calls out American allies will only reinforce their conviction that they're on their own.

The task for the next White House is to renew not only American strength and credibility but also the character of our foreign policy. How we treat our allies, and how we distinguish them from our adversaries, is how we define who we are in the world and what we stand for.

—Lee Smith

# Trump as Frontrunner

He's not as strong as you think.

BY JONATHAN V. LAST



Donald Trump works the crowd at a campaign rally in Valdosta, Georgia, February 29, 2016.

How strong a frontrunner is Donald Trump? That depends on how you look at him. The chassis of Trump's campaign—the rally crowds, the poll numbers, the primary wins—looks like that of a traditional frontrunner. But under the hood he's running a pure insurgent campaign not unlike what Howard Dean and Pat Buchanan tried to do in previous cycles.

When you look at Trump as an insurgent, his strength is striking. No other insurgent candidate in the modern era has come so close to winning a major-party nomination. But for a moment, look at Trump through the other end of the telescope. As a frontrunner, he is remarkably weak.

You can get a sense of Trump's

relative weakness by comparing him with the two weakest Republican frontrunners in recent times: Bob Dole and Mitt Romney.

In 1996, Bob Dole wasn't the sexiest candidate. He was a retread who had been in the Senate for more than a quarter-century and had already run for president twice. But the field was lackluster. Lamar Alexander was the (sort of) charismatic fusion candidate; green-eyeshade Phil Gramm was considered a serious contender; Arlen Specter, already on his way to being the most hated man in Washington, was running.

In this ragtag group, Dole was the heavy. He was the prohibitive frontrunner from the start, raising twice as much money during the primaries as his nearest rival. He was enormously popular, with a net favorability rating of plus-54. He even did

okay against the popular incumbent president in prospective matchups. Dole held a slight edge over Bill Clinton in general election polls during the invisible primary stage of 1995 and stayed even with him through the start of primary voting in January 1996.

But things went south for Dole as the primaries began. By June, his net favorability had crashed to minus-10. And as the primaries wore on, Dole's general election numbers dropped. By spring, he was in a double-digit hole, often trailing Clinton by 15 points. The Dole campaign is the perfect illustration of the political maxim "bad gets worse."

Despite all of that, Dole positively crushed the rest of the Republican field. He won Iowa and came within a point of winning New Hampshire. In the following week he lost two states—Delaware and Arizona—after which he ripped off a string of 15 consecutive victories where he was frequently over the 45 percent mark in a five-candidate field. There was never much of a delegate race because Dole had the nomination wrapped up less than four weeks after the first votes were cast.

In 2012, Mitt Romney was the weak frontrunner. Like Dole, he faced a band of junior-varsity opponents. Like Dole, he locked up the money, raising \$86 million through March 2012. (As much as the next three candidates combined. And that number doesn't count Romney's super-PAC, which spent more than \$40 million during the primaries.)

Never Mr. Popularity, Romney's favorability numbers were just about even right up until the Iowa caucuses, when negative campaigning took its toll. His net favorable number dropped to minus-10—exactly where Dole's had been. He was, however, able to climb back to just below parity by Election Day. Republicans worried about Romney's weaknesses consoled themselves that in trial heats against President Obama, Romney was the strongest in the field. Polling averages put him in about a five-point hole through the winter months; Gallup showed Romney with a slim lead over Obama into April,

Jonathan V. Last is a senior writer at THE WEEKLY STANDARD.

which eroded during the summer.

And Romney was able to use the primaries to magnify his majorities. Through the first four states, Romney picked up 58 percent of the available delegates. He kept up that pace through the next brace of states and actually increased his delegate share in Arizona and Michigan. On Super Tuesday, he won 55 percent of the delegates up for grabs. Through the first 10 weeks and 17 contests—roughly where we are today—Romney maintained a steady pace, pulling in 53 percent of the total delegates.

Which brings us to Trump. Unlike Dole, who saw his image collapse in the hurly-burly of the race, Trump began his campaign intensely disliked by the general public. With near-universal name recognition, Trump was viewed unfavorably by 68 percent of the country and favorably by only 20 percent. Over the course of the summer he managed a herculean reversal to the point where his net favorability rose to *only* minus-21. In poll after poll, it has remained locked in that zone since August with an uncanny lack of variance. Trump's unpopularity is the single most stable metric in the 2016 race.

Gallup has been looking at favorability ratings since 1992 and in January found that "Trump now has a higher unfavorable rating than any candidate at any time during all of these previous election cycles." So he would be the most disliked general election candidate since pollsters started testing favorability. But what's interesting is that this number—again, that's a minus-21—was not Trump's floor, but his *ceiling*. Since the other Republicans finally began to go after him towards the end of February, Trump's favorability mark has sunk to minus-29.

This is why his general election polling is so grim. In the dozens of polls pitting Trump against Hillary Clinton, exactly five of them have shown Trump winning. On average, he has trailed her by about five points. That's not terrible—it's a testament to how weak Clinton is as a candidate that Trump can get within hailing

distance of her. And Trump is the weakest Republican candidate against Clinton—Rubio, Cruz, and Kasich all beat Clinton on average.

Which brings us to another point of comparison between Trump and Romney/Dole: money. Romney and Dole both dominated the fundraising in their races. Trump has not. He claims to be self-funding, but this is not exactly true: Trump has spent \$17 million of his own money on the campaign and has raised another \$7.5 million from donors. This puts him far behind Cruz and Rubio and even behind the departed Jeb Bush. (Contrary to Trump's claim that his quasi-self-funding is revolutionary, in 2008, Mitt Romney spent \$17 million on his campaign, too.)

And finally there are the delegates. Unlike Dole, who built momentum, and Romney, who held a steady lead, Trump is actually losing momentum. After the first four states, Trump had a commanding lead, winning 61.6 percent of the available delegates.

The field began to winnow and following two disastrous debates (in which he became the main target of his opponents) Trump won 36 percent of the delegates on Super Tuesday.

On Super Saturday, he slowed further, winning just 34 percent of the available delegates. Trump recovered with wins in Michigan, Mississippi,

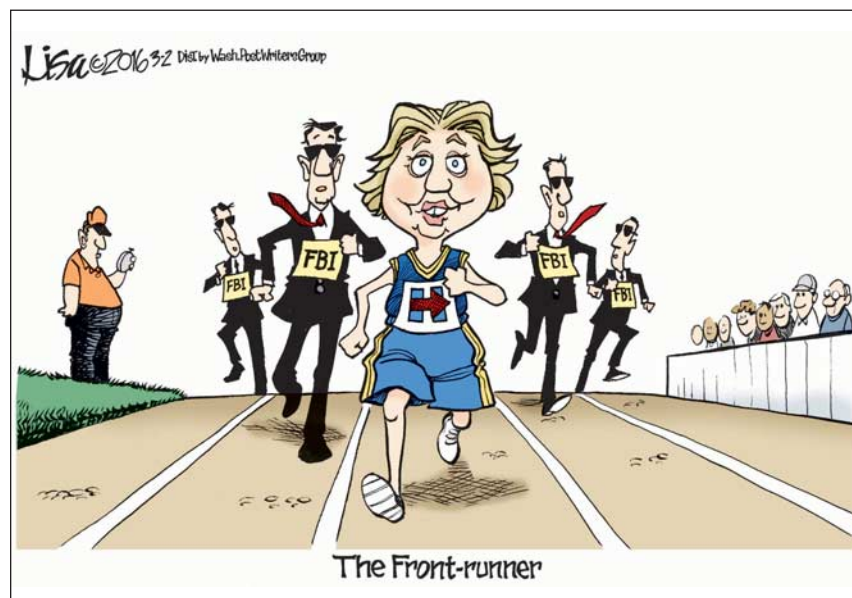
and Hawaii on March 8. But with his loss in Idaho that same night, he took home only 47 percent of the delegates—meaning he fell further behind the pace needed to win the nomination outright. And this at a time when national polls showed Trump losing altitude for the first time in months and losing, handily, in head-to-head matchups with Ted Cruz.

The trend as this goes to press on March 10 is pretty clear: Where previous frontrunners became stronger as the race progressed, Trump has become weaker.

It may be that none of this matters. Maybe Trump reverses the momentum again. Or maybe he doesn't even need to, because the dynamics of the race will allow him to capture the nomination without expanding his support. Or maybe his opening position was so strong that no one can catch him even if his momentum continues to wane.

But there's one other factor at play: By this point in the race, both Dole and Romney had put away their opposition. Trump's opposition is still congealing around a candidate who is likely to be smart, well-funded, and tough.

And the forces opposing Trump now understand that he is not an unstoppable juggernaut. The question is no longer *can he be stopped*, but rather, *can he be stopped in time*. ♦



# The Forgotten Voters

Republicans need the working class.

BY FRED BARNES



Trumpers respond to their candidate at an Orlando rally, March 5, 2016.

In the 1980s and '90s, Republicans attracted, then locked up, new groups of voters: the anti-abortion movement, the Reagan Democrats, the Christian right, and the pro-gun crowd. More recently, Republicans have won the support of practically everyone associated with the energy industry, especially coal mining.

Most of these voters were stolen from Democrats. But Republicans were oblivious to the existence of another group that Donald Trump has now tapped: unhappy working-class voters, mostly white, who suffer from lost jobs and decades of wage stagnation.

After Republicans lost the popular vote in five of the six presidential elections from 1992 to 2012, the Republican National Committee created a

“Growth and Opportunity Project.” Its report was based on an autopsy of the 2012 GOP presidential campaign and focused on its problems with five voting blocs: Hispanics, Asian and Pacific Islander Americans, African Americans, women, and youth.

“We need to do a better job connecting people to our policies,” the report said. “Our ideas can sound distant and removed from people’s lives. Instead of connecting with voters’ concerns, we too often sound like bookkeepers.” Though Republicans have failed to connect with disaffected blue-collar voters, their plight was ignored in the report.

As a distinct group, these voters were all but invisible—until Trump spotted them. Even as Trump soared in polls, many Republican activists said they didn’t know a single person who intended to vote for him.

But a major reason for Trump’s emergence as the frontrunner for the Republican presidential nomination is his appeal to these overlooked voters. While the RNC was concentrating on appealing to its five “demographic partners,” Trump was studying Rick Santorum’s book *Blue Collar Conservatives*. Trump’s strident opposition to immigration and free trade agreements is aimed directly at working-class and lower-middle-class Americans, as is his resistance to cutting Social Security and Medicare and his criticism of political elites.

Republicans face a dilemma. Party leaders and a majority of Republican voters are hostile to Trump’s presidential bid. But for a Republican to win the general election against either Hillary Clinton or Bernie Sanders, winning the votes of Trump’s working-class base is essential. But gaining its support won’t be easy.

If Trump loses the nomination or is somehow denied it at the Republican convention in July, he could run as an independent or third-party candidate. He’s agreed not to do this, but with one caveat. If he thinks the GOP is being “unfair” to him, the agreement is off. This leaves Trump with a lot of leverage.

He knows that if he runs as an independent, the Republican nominee would be doomed to defeat. A Rasmussen poll last week found that 36 percent of Republicans would be “likely” to vote for an independent Trump candidacy. And of those voters, 24 percent said they would be “very likely” to stick with Trump.

He hasn’t declared himself officially a victim of ill treatment, but he’s hinted at it. At least four super-PACs and the Club for Growth have run TV ads attacking him. And Mitt Romney, the 2012 GOP Republican nominee, denounced him in a highly publicized speech.

In recent televised debates, Trump came under sharp attack by rivals Marco Rubio and Ted Cruz. Rubio dubbed Trump a “con man” and Romney picked up that theme in his speech on March 3. Even so, Rubio and Cruz have said they would back Trump

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if he becomes the GOP nominee.

But a growing number of prominent Republicans have announced they won't vote for Trump. This includes Erick Erickson, former CEO of RedState, ex-George W. Bush speechwriter Peter Wehner, and 117 "members of the Republican national security community."

Despite the anti-Trump sentiment, it's critical for Republicans to keep Trump from bolting the party or, if he's the nominee, to persuade him to soften his tone and change some of his views, especially on foreign and national security policy.

But few, if any, Republican leaders have any influence with Trump. Former House speaker Newt Gingrich may come the closest. In January, he wrote in the *Washington Times* that Trump is "a genuine phenomenon" who "knows a lot, but what is amazing is how rapidly he figures out what he doesn't know." On foreign affairs, however, Trump's learning curve is woefully steep.

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What's more amazing is the consistency of Trump's hold on blue-collar support. The Michigan primary on March 8 was the latest example. He won 46 percent of non-college graduates and 42 percent of voters with less than \$50,000 in annual income—that is, in a nutshell, the working class.

He got nearly as big a percentage (36 percent) of the votes of independents as of Republicans (37). His support was spread evenly along ideological lines with moderates (37 percent), somewhat conservatives (37), and very conservatives (35). And his votes came from the suburbs (39 percent) and rural areas (35).

In Rust Belt states like Michigan, "there is an opportunity for a hidden white vote to come out, especially among less-educated voters," Brookings Institution demographer William Frey told the *Wall Street Journal*. It's a Trump vote.

The Trump explosion is more a "mood" than a set of ideas, says Professor James Ceaser of the University of Virginia. It's been around for years, only to be triggered in 2016 among those who share it "because they have a leader who can articulate it," Ceaser told Dan Balz of the *Washington Post*. It's this group that Trump has brought out of hiding that Republicans need, not the man himself. ♦

## An Attack on Entrepreneurship and Innovation

**By Thomas J. Donohue**

President and CEO  
U.S. Chamber of Commerce

With a weak economy and a labor force participation rate near a 40-year low, now is not the time to slam the brakes on entrepreneurship and innovation. But that's exactly what a new ordinance from the Seattle City Council would do.

The law would authorize unions to organize for-hire drivers working as independent contractors for taxi and limousine companies or ride-sharing companies like Uber and Lyft. This is a bad idea for many reasons. It would violate federal law, raise consumer costs, stifle technological innovation and investment in the on-demand economy, and jeopardize the flexible work schedules and earnings of entrepreneurs across the nation.

Federal antitrust laws forbid independent contractors from collectively setting the prices of their individual services. And federal labor law expressly excludes independent

contractors from collective bargaining requirements. The unfettered ability of people to go into business for themselves is an engine of U.S. economic growth. Cities don't have the authority to ignore Congress, but Seattle's ordinance reflects a broadside attack on independent contractor arrangements, as well as on the emerging on-demand economy that relies on it.

If Seattle's ordinance is allowed to be implemented, then each of the nation's approximately 40,000 municipalities could enact its own particular labor schemes, resulting in a balkanized set of labor regulations that would inhibit the free flow of commerce among private service providers. The threat could also spread to other industries. If one municipality could pass a law like this for transportation, then any municipality could pass an ordinance in any industry.

Although some on the Seattle City Council genuinely believe they are doing right by workers, the real driving force behind the law is unions desperate for

more members at any cost—even violating federal law. This is their answer to union membership numbers that have dropped to a 60-year low as workers are increasingly satisfied with their employers.

It's for all these reasons that the U.S. Chamber of Commerce filed a lawsuit challenging Seattle's ordinance and is seeking to have it set aside before it can go into effect. Litigation is a last resort, but sometimes it's the only way to counter regulations that would break the law and undermine free enterprise.

The on-demand economy—along with the opportunity for entrepreneurship and the employment it brings—has been a bright spot for our overall economy. It serves consumers the way they want to be served. And Congress recognizes that being one's own boss is something to be championed, not stifled. One city council, acting alone, shouldn't have the power to change this.



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# Judging the ‘Minnesota Men’

Can we trust German social science to deradicalize jihadists? BY SCOTT W. JOHNSON



Two Somali community leaders speak after a federal judge refused a request for a supervised pretrial release for a group of Somali immigrants accused of conspiring to join ISIS.

Last April, six “Minnesota men” were charged with seeking to support ISIS. These “Minnesota men,” as headlines across the country referred to them, were all young Somali Muslims who planned to leave the United States and take up the call to jihad in Syria (see “The Threat from ‘Minnesota Men,’” December 7, 2015). We have since learned there is more to the story. In a sense, the FBI saved the worst for last—except, thanks to the judicial system, the worst might be yet to come.

Ten “Minnesota men” in total were charged with plotting to join ISIS, the last in December. This was the ringleader, a resourceful character by the name of Abdirizak Mohamed

Warsame, who last month entered a guilty plea. He will be the beneficiary of an experimental “Terrorism Disengagement and Deradicalization Program” just adopted by the court that will sentence him. Three of the other plotters also pleaded guilty and are eligible for the program. Although it’s still unclear how the experiment will be put into practice, a look at Warsame’s case offers plenty of reasons for alarm about a program trumpeted as the first in the nation.

Reporting the December filing of charges against Warsame, the *Star Tribune* added this editorial observation: “Minnesota is believed to have produced more would-be foreign fighters than any other state, but it also has a Muslim community that’s exceptionally engaged with efforts to counter extremism.” Yet the newspaper

provided evidence of the Somali community’s adversarial stance to the efforts of law enforcement in terrorism-related cases. “The safety of this country is a concern for all of us,” said Sadik Warfa, identified by the paper as a “community leader.” “We’re hoping this case is the last, and we can all move forward where these kind of things don’t happen.” Warfa then expressed suspicions about the case. He wanted to know why Warsame was only being charged in December, long after the original six had been charged in April: “Did the government get new evidence?” And Warfa worried his group would be “victimized twice”: “Islamophobia is a real concern within our community.”

“Islamophobia.” Is that fear of “Minnesota men” acting on their faith and joining the jihad? Or a term of art used to suppress discussion of reasonable concerns raised by these “Minnesota men”? While prejudice against Muslims is virtually invisible in Minnesota, one version of “Islamophobia” is not: the use of the term as a stick by officials including Governor Mark Dayton and U.S. attorney Andrew Luger to stigmatize reasonable fears and suppress discussion of well-founded concerns raised by the threat from “Minnesota men.”

What threat? At a late December pretrial and detention hearing held in Warsame’s case, the FBI unveiled some of its evidence, though it didn’t precisely answer Warfa’s question. The FBI revealed Warsame to be the ringleader of the group seeking to leave Minnesota to join ISIS and a former worker at the Minneapolis-St. Paul (MSP) International Airport.

That last fact gives one pause. FBI special agent Daniel Higgins testified that Warsame worked as a baggage handler at MSP with access to airplanes from April to August 2014. According to information Metropolitan Airports Commission public affairs and marketing director Patrick Hogan provided me, it turns out that Warsame worked on the tarmac for two employers over a period of eight or nine months, from December 2013 to August 2014. By August 2014, the FBI

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investigation leading to the charges brought against the “Minnesota men” had gotten underway in earnest. The reason for the termination of Warsame’s employment then is not publicly known; it remains one of several loose ends deserving attention.

Higgins also testified that in April 2015 Warsame boasted to one of the six men charged that month, Guled Omar, that he could build rocket-propelled grenades (RPGs) that would take down descending airplanes at an elevation of 2,000 feet. The conversation was secretly recorded by an informant as Warsame and Omar walked around Lake Nokomis in south Minneapolis, “in the flight pattern for MSP,” as Higgins noted. In the recording, airplanes could be heard flying overhead.

In another conversation, they discussed a propaganda video about a “tank hunter” who used rocket-propelled grenades. Warsame indicated he would like to take such a role and said he “loved RPGs.” The *Star Tribune*, incidentally, omitted these poignant details from its story on the hearing. Not to worry, though. Warsame’s attorney elicited the concession from Higgins that the FBI didn’t actually have evidence that Warsame had tried to build rockets. So the discussion may only have reflected his hopes and dreams.

To return to Warfa’s accusatory question, why did the FBI wait until late last year to unveil its case against Warsame? Based on the pretrial detention hearing, it seems obvious that the FBI might have wanted to keep Warsame under surveillance to see what he had up his sleeve or where else he might lead them.

The evidence against Warsame led him to plead guilty to conspiring to provide material support to ISIS. Entering his plea on February 11, Warsame testified that he came from a “very religious” household. He acknowledged that he himself is very religious. He noted that he started talking about joining ISIS with his friends in the early months of 2014 (while he was working at the airport, though this went unmentioned at the hearing). “[I]t was a time to not only talk,” Warsame

testified, “but to put it into some action and do that.” Listening to videos of Anwar al-Awlaki, he “started learning about, you know, Islam and started learning about the history of Islam.” He was affiliated with an unidentified local mosque where he studied the Koran and received additional teaching “pretty much the same” as Awlaki’s lectures on YouTube. Inspired to join ISIS, he sought to get in on the combat and beheadings he saw online with the object of restoring the caliphate. Then, “Islam would take over the world and,

**Judge Michael Davis’s last ‘deradicalization’ experiment wasn’t a success: He released one accused ISIS supporter to a halfway house, only to be forced to order the man back into custody when a box cutter was found under his bed.**



*Abdurizak Mohamed Warsame’s arrest photo*

you know, Muslims would no longer be oppressed all around the world.”

At this point, Judge Michael Davis asked Warsame why he hadn’t joined the armed forces of the United States. You can probably guess the answer: “Because I didn’t think the United States military went by Islam.”

The terrorism offense to which Warsame pleaded guilty carries a maximum sentence of 15 years. But on March 2, Judge Davis ordered the federal probation office tasked with the standard presentence investigation to contract with Daniel Koehler, director of the German Institute on Radicalization and De-radicalization Studies (GIRDS), to prepare its report.

Koehler is to make a house call in Minneapolis on Warsame and the other three who pleaded guilty to terrorism charges. Under the experimental “Terrorism Disengagement and Deradicalization Program” adopted by Judge Davis, Koehler is (take a breath) to “provide information to the Court that is otherwise not available to it as a basis for determining the sentence of a defendant convicted of a terrorism offense and to provide purposeful pre-trial and post-incarceration supervision that ensures public safety by monitoring defendants to verify they have not reverted to involvement with terroristic activities and to further the process of disengagement and deradicalization from extremist ideology while rehabilitating them to become successful, law-abiding citizens.”

In determining an appropriate sentence, federal judges have discretion to seek out and apply any relevant data. Judge Davis now looks to Koehler to provide information for the purpose of determining the sentence to be imposed on Warsame. In a press briefing, the judge explained his rationale for adopting the GIRDS strategy: “It does not make sense why someone who’s never been involved in any type of criminal activity, was not seriously religious, [would] in a very short period of time want to go over and be involved in jihad.” Warsame’s own explanation at his plea hearing apparently didn’t answer that question to his satisfaction.

What are we to make of Judge Davis’s experiment? His last one wasn’t a success. Last year he released one of the four “Minnesota men” eligible for this new program to a halfway house “to work with a group that promotes civic involvement as a way to keep youth engaged, with hopes of keeping him on a positive track and reintegrating him into society,” as the Associated Press reported. The judge was forced to order the man back into custody when a box cutter was found under his bed.

Former federal prosecutor Andrew McCarthy prosecuted the blind sheikh and his co-conspirators for the bombing of the World Trade Center in 1993. McCarthy brings an informed if skeptical attitude to Judge Davis’s latest

experiment. “The problem arises,” he told me, “when judges use dubious social science theories as a substitute for the traditional purposes of sentencing—incapacitating bad actors for a period of time that fits the crime while discouraging recidivism and communicating to other potential offenders that the conduct will be treated seriously.” McCarthy adds that “if the German program is willing to confront the fact that a mainstream interpretation of Islam fuels the radicalism and believes this can be countered by a construction of Islam that rejects violent jihadism, this would be helpful. Of course, if this irenic Islam is not credible (i.e., if it does not convincingly answer the literalist interpretation rooted in scripture), it will be of limited usefulness.”

McCarthy observes that deradicalization is not a proven science: “The Saudis, for example, have long run such programs for their own and our terrorist detainees, and there is a high recidivism rate.” On balance, McCarthy says, “I think there could be a place for deradicalization in sentencing, but not in the initial phase when the judge imposes sentence because that would necessarily involve a prospective calculation on the judge’s part that the science is proven and the particular defendant will have a positive outcome—things that are either not settled or not knowable.”

One doubts that German social science holds all the answers Judge Davis seeks. At the least, skeptical questions might fairly be raised about his two-page “Terrorism Disengagement and Deradicalization Program.” None appears to have been raised by prosecutor Andrew Luger; a paragon of political correctness, Luger expressed his full support for the program. Judge Davis declined to be interviewed for this article.

Warsame’s attorney, Robert Sicoli, sums up the case better than you’d expect. “My assessment of my guy is he is not a threat to anybody,” Sicoli told the *Star Tribune*. Okay, that was about as expected. Here, however, Sicoli may be on to something: “I’m not an expert, but to be honest I don’t think there are any experts on this.” ♦

# Friends Let Friends Brexit

Why Britain’s leaving the EU would be in America’s interest. BY ANDREW STUTTAFORD



A woman wears a pro-exit protest hat in London, February 19, 2016.

Complacency, laziness, or a simple failure to keep up can reduce foreign policy to a habit, unexamined and out of date. The United States traditionally smiled on the idea of tighter European integration. Binding the nations of Western Europe more closely together would bolster them against Soviet expansionism and render them less likely to fall out (yet again) among themselves, the latter a pastime that tended to cost American lives. British membership in what became the European Union (the U.K. joined in 1973) was supported by Uncle Sam, not least because the Brits could be expected to push the nascent

bloc in a more Atlanticist direction, politically and economically.

Against that historical backdrop, there is nothing surprising about the increasingly tough line taken by the Obama administration against “Brexit”—a vote by the British people to exit the EU in a referendum to be held on June 23. The president has long made known his preference for “a strong U.K. in a strong European Union.” And preference may be too weak a word. In 2013 the State Department’s Philip Gordon explained that British membership in the EU was “essential and critical to the United States.” It’s neither.

As referendum day approaches, the administration’s tone has become a tad menacing. Speaking last October, America’s senior trade diplomat,

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Michael Froman (who worked as a trainee at the European Commission years before), warned that Washington would not put much priority on a free trade deal with a post-Brexit Britain. Being one of America's closest allies and the fifth-largest economy in the world apparently doesn't count for much.

Meanwhile, according to the chairman of the Senate Foreign Relations Committee, President Obama is planning a "big, public reach-out" to mutinous Brits in the near future. Some tact might be worth a try.

Again, seen against the historical background, there's nothing very unusual about all this. Seen against contemporary reality, however, it looks overwrought. The administration's starting point, one must assume, is concern that Brexit would do serious harm to the rest of the EU. That's not likely, but even if it were a real risk, a glance at the calendar should avert panic. It is not 1914 and, despite its vanity and that nutty Nobel Prize, the EU is not the guarantor of European peace. Nor is it 1980: The Soviet threat is history.

And nasty Vlad Putin? Well, pushing the EU's "ever closer union" far beyond where it was prudent to go, whether with the euro or recklessly loose immigration policies, has created the conditions in which extremism can thrive, conditions the Kremlin has not been slow to exploit. Old ghosts are stirring across the continent and Putin, getting pally with a Le Pen and chummy with a Syriza, is only too pleased to rile them up. In this respect, the EU has been a problem, not a solution.

For all the troubles set in motion by the EU's surfeit of ambition, there are few signs that it is prepared to change course. The default answer, whether in Brussels or Berlin, to the union's mainly self-inflicted woes continues to be "more Europe"—at the Greek border, in the finance ministries of the eurozone, everywhere. The dream of a new kind of "empire" (to borrow the word used by former European Commission president José Manuel Barroso) is alive if not well. And—let's

not forget—in this dream the EU stars as a challenger to the colossus across the ocean, both in the way it runs itself (no Anglo-Saxon capitalism, *merci!*) and internationally.

This goal matters more than it once did, and much more than the U.S. foreign policy establishment seems willing to recognize. Despite its current difficulties, the EU is far more formidable than two or three decades ago: Its reach has stretched both within its borders and beyond. There is already an EU "foreign minister." Angela Merkel has in the past expressed interest in a European army. That could evolve into

**Brexit would leave the EU somewhat shrunk but essentially unscathed. There will be no great unraveling. For Washington to oppose Brexit for fear it might dent the (now destabilizing and destructive) progress of 'ever closer union' makes no sense. Such an outcome is improbable, but it would be a feature, not a bug.**

a curb on the ability of more confident powers (Britain and France, say) to take independent action and in any event would be an unwelcome distraction from NATO.

The best guess is that Brexit would leave the EU somewhat shrunk but essentially unscathed. There will be no great unraveling. For Washington to oppose Brexit for fear it might dent the (now destabilizing and destructive) progress of "ever closer union" makes no sense. Such an outcome is improbable, but it would be a feature, not a bug.

And the argument that the United States should encourage the U.K. to stay in to act as a brake on the EU's long march towards Barroso's empire overlooks the fact that the time when the U.K. could alter the EU's trajectory has passed. In the 1980s the EU turned towards economic liberalization in

a manner unthinkable to its *dirigiste* founders, largely thanks to the U.K. and more specifically the influence of Thatcherism, then at its peak. A decade or so later, British pressure played a significant part in the EU's expansion into lands that Moscow once controlled. That helped anchor much of Eastern Europe in the West, a development that Washington had every reason to celebrate.

But these successes were the product of a specific time and—in those halcyon days between the collapse of communism and the collapse of Lehman Brothers—a specific ideological moment. Mrs. Thatcher is no more, and the behavior of some of her successors is a reminder that Washington cannot assume a British government will be as in tune with American economic and political thinking as was the case during the Reagan years. What's more, Britain now represents a smaller part of a larger union from which the wise decision to keep clear of the euro has left it semi-detached, although not detached enough. Its ability to nudge the EU along a more America-friendly path is not what it was.

While the U.K. finds it more difficult to influence the EU, the EU is busy reshaping the U.K. This is more than the cumulative effect of all the powers that have been transferred from London to Brussels over the years. It also reflects the passing of time, shifting demographics, and what people have become used to: 1973 was an eon ago. Younger Brits feel more "European" than their elders. June 23 may well be the Brexiteers' last chance to get their country out—and back. A recent YouGov poll showed 63 percent of those between the ages of 18 and 29 wanting to remain in the EU; 56 percent of those over 60 thought the U.K. should quit. The understanding of what it means to be British is changing, a transformation that is eroding the old instinctive, if sometimes patchy, Atlanticism of this country's closest and most reliable European ally. That's a transformation that will gather pace if Britain remains in the EU, and it's a transformation that the United States should not want to see.

By contrast, the possibility of a very different transformation in the way the British Isles are run may offer a sounder basis for American opposition to Brexit. There is an obvious danger that the U.K.'s departure from the EU might provoke the departure of (relatively Europhile) Scotland from the U.K. The broader consequences of that are as misty as a Highland glen, but the prospect of the Scottish National party—a party only reluctantly committed to NATO—running an independent Scotland won't thrill the Pentagon. On the other hand, even if Britain remains in the EU, the chances of Scotland's eventually going its own way—particularly if oil prices revive—already appear to be high. In that event, all that Brexit will do is speed things up. That said, the uncertainty that will inevitably follow Britain's break with Brussels might persuade nervous Scots that they would rather stick with the auld devil they know, especially as a tartan return to the European fold is far from guaranteed. Spain, mindful of restless Catalonia, would not endorse a precedent that made it easy for secessionist states to “rejoin” the EU.

Then there's the economy. If the U.K. opts for Brexit (still unlikely, I reckon), it will make for a choppy June 24 in the financial markets. And not just June 24.

But hysteria is what markets do. Britain could flourish outside the EU. It could not, however, afford to ignore its ex over the water. The U.K. may have to accept a closer relationship with the EU (perhaps something akin to the status enjoyed by Norway in the European Economic Area) than many Brexiteers would like. For its part, Brussels will need to remember how good a market Britain is for the EU's exporters. It will have to rein in a natural inclination to “punish” the Brits, an inclination sharpened by paranoia that too smooth a separation might tempt others to stray. But the alternative would damage both the U.K. and its former EU partners.

Encouraging the two sides to agree to a velvet divorce might be the next occasion on which Washington has to rescue Europe from itself. ♦

# Scalia's Finest Opinion

A look back at his influential dissent on the independent counsel law. BY TERRY EASTLAND



Bobblehead dolls of Justices Souter, Rehnquist, Scalia, and Ginsburg—Scalia's wolf included

The late justice Antonin Scalia thought his best opinion was his dissent in *Morrison v. Olson*, a case decided on June 29, 1988, when he was finishing just his second term on the Supreme Court. At issue was the constitutionality of the independent counsel law, first passed in 1978. By a vote of 7-to-1 (Anthony Kennedy recused), with Chief Justice William Rehnquist writing, the Court upheld the statute. Only Scalia was in dissent. In 1999, however, Congress declined to reauthorize the law. Scalia's remarkable opinion influenced that eventual result, demonstrating just how important a single justice can be.

The independent counsel law was the first of its kind, a response to President Richard Nixon's firing of the special prosecutor the administration appointed to investigate Watergate. The law provided for a special panel

of judges who would appoint outside lawyers to investigate allegations of criminal conduct on the part of high-ranking executive-branch officials. The attorney general could remove an independent counsel but only for “good cause.” Congress designed the appointment and removal provisions, along with other “controls,” to ensure that the counsels were independent of the administration, as their title implies, and thus able to conduct investigations without interference from a president or his aides.

The law was challenged as a violation of the separation of powers. The Rehnquist majority dealt with the law's appointment and removal provisions before turning to the separation of powers. Scalia said the majority's approach to the case was “backwards” and instead began his opinion with a discussion of separation of powers that drew upon *The Federalist*. Scalia wrote that the principle “is the absolutely central guarantee of a just government” and that “without a secure

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JACQUELYN MARTIN / AP

structure of separated powers, our Bill of Rights would be worthless.”

Scalia identified the powers the Constitution vests in the three departments of government and declared, “That is what this suit is about. Power. The allocation of power among Congress, the President, and the courts in such fashion as to preserve the equilibrium the Constitution sought to establish—so that [quoting James Madison] ‘a gradual concentration of the several powers in the same department’ can effectively be resisted” and, by implication, our rights preserved.

“Frequently,” Scalia continued, “an issue of this sort will come before the Court clad, so to speak, in sheep’s clothing: the potential of the asserted principle to effect important change in the equilibrium of power is not immediately evident, and must be discerned by a careful and perceptive analysis. But this wolf comes as a wolf.”

That last sentence is arguably the most famous passage in a Scalia opinion. The quarterly legal journal *Green Bag* produces bobbleheads of the justices. The collectibles have visual allusions to especially characteristic opinions, and Scalia’s bobblehead includes a wolf and has the justice standing on a dictionary, an allusion to his keen ability to use words—indeed, to his distinction as a master stylist, on display in this passage (and elsewhere) in his dissent in *Morrison*.

The legal writer Yury Kapgan points out that the metaphor of the wolf clad in sheep’s clothing does not convey the usual message that appearances can be deceiving but “just the opposite,” as the reader learns from the revelation at paragraph’s end that “this wolf comes as a wolf.” There is, writes Kapgan, “no disguise here, no sheep’s clothing, appearances are what they are—clear.” And precisely because “this wolf comes as a wolf,” there is really no need for “careful and perceptive analysis” for the simple reason that the potential of the asserted principle to change the equilibrium of power is immediately evident. “This wolf” will effect an unconstitutional change in the balance of powers.

In his analysis of the statute, Scalia relied on constitutional text, pointing out that Article II vests not some but all of the executive power in a president. And because it does, the independent counsel law must be unconstitutional “if the following two questions” are answered affirmatively: “Is the conduct of a criminal prosecution . . . the exercise of purely executive power?” and “Does the statute deprive the President of the United States of exclusive control over the exercise of that power?” Scalia said they must be answered affirmatively: the first because “governmental inves-

**‘Frequently,’ Scalia wrote, ‘an issue of this sort will come before the Court clad, so to speak, in sheep’s clothing: the potential of the asserted principle to effect important change in the equilibrium of power is not immediately evident, and must be discerned by a careful and perceptive analysis. But this wolf comes as a wolf.’**

tigation and prosecution of crimes is a quintessentially executive function,” the second because “the whole object of the statute” is to deny a president exclusive control over the exercise of purely executive power.

Scalia maintained that “it is ultimately irrelevant how much the statute reduces Presidential control,” since any such reduction violates the Constitution, which, again, vests all of the executive power in a president. Scalia asked the obvious follow-up question: whether it is “unthinkable that the president should have such exclusive power, even when alleged crimes by him or his close associates are at issue.” He conceded that “a system of separate and coordinate powers necessarily involves an acceptance of exclusive power that can theoretically be abused.” But he also pointed out

that “while the separation of powers may prevent us from righting every wrong, it does so in order to ensure that we do not lose liberty.”

The justice highlighted the two checks against any branch’s abuse of its exclusive powers. One is retaliation by one of the other branch’s use of its exclusive power: Congress may impeach the executive who willfully fails to enforce the laws, for example. The other is the political check that the people will replace those in the political branches who are guilty of abuse.

Scalia criticized the appointment and removal provisions of the law. Yet of keener interest to him was the statute’s practical impact: how it effectively compels investigations that would otherwise not be opened and prosecutions that would otherwise not be brought; how it weakens a presidency by reducing the zeal of a president’s staff (“who typically have no political base of support”); and how it enfeebles a president in his confrontations with Congress by eroding his public support. The wolf at work, you could say.

“In the 10 years since the institution of the independent counsel was established by law,” wrote Scalia, “there have been nine highly publicized investigations, a source of constant political damage to two administrations.” And do those investigated under the law receive fair treatment? “The mini-Executive that is the independent counsel . . . is intentionally cut off from the unifying influence of the Justice Department, and from the perspective that multiple responsibilities provide,” wrote Scalia. So what is from the department’s perspective a technical violation may be deemed an indictable offense by an independent counsel.

That Scalia saw *Morrison* as a case about “power”; that he understood the executive power as the Framers and the Court’s precedents did, with all of it being vested in a president; that he identified the multiple ways in which the independent counsel law upset the equilibrium of power, to the detriment of individual liberty: These are reasons to salute Scalia’s dissent.

But we should also credit him with courage. He was then the youngest justice, and his dissent was from the majority opinion of a distinguished chief justice who was also a judicial conservative, broadly speaking.

Moreover, the statute he found unconstitutional enjoyed substantial support in Congress and the media. After all, why shouldn't the investigation of allegations against high-ranking executive officers have some special or independent place in our government, sheltered from almost all other interests and concerns? Scalia, alone on the Court, challenged that idea.

In the 1990s, the independent counsel law still had the support of congressional Democrats. The Clinton administration also backed the law. But then Democrats came to experience the operation of the law, as independent counsels were appointed to investigate President Clinton and five of his cabinet members.

When the statute came up for renewal in 1999, the Clinton administration, through the Justice Department, changed its position. "Having worked with the act," attorney general Janet Reno told the Senate Committee on Governmental Affairs, "I have come to believe—after much reflection and with great reluctance—that [it] is structurally flawed and that those flaws cannot be corrected within our constitutional framework." Reno went on to discuss the separation of powers and the lack of accountability on the part of independent counsels for exercises of power that are plainly executive. "Here," she said, "I am paraphrasing Justice Scalia's dissent in *Morrison*."

His dissent had become a rallying point for old and new critics of the law alike, and they won out when Congress let the law lapse. *Morrison* itself is still on the books; it has not been overruled. But the statute the decision sustained is effectively void; the wolf no longer comes.

Not a bad ending for a lawsuit in which the executive power and the balance of powers, both so fundamental to our constitutional order, were so conspicuously at stake. ♦

# Kill the Families?

Trump's war crimes platform shouldn't be forgotten. BY AARON MACLEAN

There I was, loitering in the amicable atmosphere of the green room for *Fox and Friends* early one morning this past December, preparing to join a panel of veterans to discuss the previous night's Repub-

answering the question by insisting that we need to loosen restraints on our forces, pointing out that "war is hell," and saying that if families are co-located "with the ISIS soldiers, then yes, kill the families."



Donald Trump repeats his promise to target the families of terrorists, December 6, 2015.

lican debate. Of the panelists, two of us weren't backing a candidate, but a third—a strapping former Navy SEAL named Carl—said that he was for Trump. To each their own, I thought at the time, though it occurred to me that this could be an awkward morning for Carl, given that during the debate Trump had defended his "plan"—to the extent that Trump has plans—to kill the families of terrorists by way of deterring future attacks. The man who was soon to become the clear frontrunner for the Republican nomination argued that, after all, the families of the San Bernardino and 9/11 attackers "knew what was going on."

And awkward it proved to be when the host led off our discussion with "Carl, kill the families?" But my fellow panelist, clearly a pro, deftly maneuvered away from the danger zone,

Tough talk though it was, it of course was not a full-throated defense of what his candidate had actually proposed. And indeed Trump, after repeatedly proposing war crimes as a formal part of his national security policy, in March sulkily walked the position back in a written statement provided to the *Wall Street Journal*.

It's nevertheless worth reflecting on what the profoundly disgusting nature of this now-erstwhile plank in the Trump platform tells us about the man, his appeal, and his complete unsuitability for public office.

The position had many of the typical hallmarks of a Trump stance—its anti-p.c. outrageousness, its ability to capture the news cycle, and even its ultimate retraction. There is also the compulsive dishonesty with which Trump often defended it, arguing as recently as the March 3 GOP presidential debate:

Well, look, you know, when a family flies into the World Trade Center, a man flies into the World Trade Center, and his family gets sent back to where they were going—and I think most of you know where they went—and, by the way, it wasn't Iraq—but they went back to a certain territory, they knew what was happening. The wife knew exactly what was happening. They left two days early, with respect to the World Trade Center, and they went back to where they went, and they watched their husband on television flying into the World Trade

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Center, flying into the Pentagon, and probably trying to fly into the White House, except we had some very, very brave souls on that third plane. All right?

Not all right. In fact, all wrong, almost to the word. In this case Trump seems to be suggesting it was a single 9/11 hijacker's family that was evacuated back to "you know where"; on other occasions, he has suggested there were multiple wives involved. No matter: Either way it's simply false. The 9/11 Commission report establishes that, most likely, only two of the hijackers were married, and none of them had wives or any other family members traveling with them in the United States.

Liars lie, of course; Trump is a liar, and here he is, doing what he does. But it's important not to let the sheer frequency of his dishonesty numb us to the point where we no longer call it out, especially on a matter as important as this one. Trump is essentially

suggesting with justifications like these that the families of terrorists are certain to be materially complicit in terrorism themselves, and thus deserve to die.

This is unlikely to be true in many, if not most cases. But a lot of the proposal's appeal derives from the emotional correction it seems to provide to what many of Trump's supporters believe (as do I, for that matter) to be the overly restrictive rules of engagement imposed by the Obama administration. Moreover, it's easy for Trump supporters to blur the lines regarding what their candidate is actually proposing. War is hell, after all, and families do get killed. But calling for the specific targeting of the families—women and children, after all—of combatants by way of retribution or deterrence is to destroy the ethical line that separates the American military from the terrorists.

The fact that the call came from a man who did everything he could to avoid military service himself during Vietnam only heightens its

outrageousness. If Trump had served, maybe he would have understood that troops not only can refuse to follow illegal orders—they must refuse to follow illegal orders, or they will very likely be headed to prison themselves. Trump didn't walk back his position because he decided he was in the wrong, but because the leaders of the U.S. military were likely going to publicly embarrass him by making this fact clear.

I have the unhappy distinction, as do many other veterans, of having looked upon the bodies of women and children who were inadvertently killed in exchanges between my Marines and insurgents. There is little that is worse. The notion that a presidential candidate would publicly advocate dispatching troops specifically to murder noncombatant family members, on the pretext that "they must have known," is repulsive, un-American, disqualifying—and shouldn't be forgotten just because the candidate was grudgingly forced to walk it back. ♦



# What Would Hamilton Do?

*The lesson of the #NeverBurr campaign*

BY NOEMIE EMERY

All right, Trump people, you do have a point. A number of policies pushed since the 1990s by the establishment wings of both major parties may have had bad effects on millions of people. The industrial base of this country has changed in ways that eroded the financial and moral lives of lower-middle- and working-class people, through unemployment, underemployment, family breakdown, and similar ills. It may have been unintended, collateral damage, but it was nonetheless damage, and the worst thing one can say about both parties' leaders is not that they somehow allowed it to happen, but that they have turned a blind eye to what has been happening and have done nothing to assuage the effects.

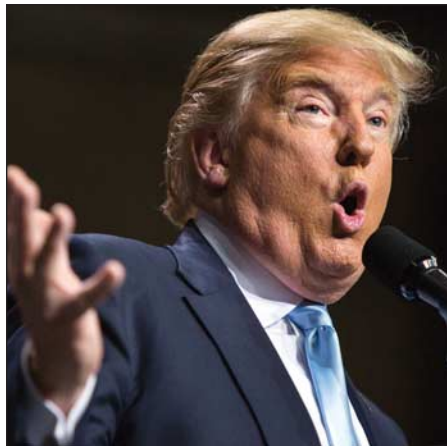
Yes, we have read Peggy Noonan's columns in the *Wall Street Journal*, when she has said that Western governments no longer protect their own people; we have read Charles Murray when he says that the country has broken into two different parts that do not know each other; and we have listened to Henry Olsen, the estimable policy expert at the Ethics and Public Policy Center, when he says the establishments have behaved very badly and possibly deserve the substantial payback it looks as though they may get. In short, your message has been getting through, but it has been overwhelmed by the messenger.

#NeverTrump is becoming a popular hashtag. People flood to the polls to vote against, not just for, him. Prominent leaders disown him completely. And the dilemma for you is that the issues—your issues—are being swallowed

up in the fracas and firestorm. The arguments over issues that are his strength—free trade, the effects of globalization, and immigration—have been completely subsumed in the ongoing spectacle. Meanwhile there is a moral case that the man is unfit to hold high office—a case most of his defenders don't even acknowledge, but the public itself can't ignore.

On February 29, Megan McArdle wrote her *Bloomberg View* column on the response she received to her request to

passionate Republican backers of the #NeverTrump cause that they send her their reasons, assuming they had them, for repudiating the candidate. What surprised her? The numbers—hundreds emailed; the breadth of response—across all regional, social, professional, and class divides and every conceivable wing of the party; and the depth of feeling, with her correspondents being “appalled, repulsed, afraid, and dismayed” at the prospect of Trump being either nominee or president. Their concerns included his authoritarian conduct, his lack of principle, his



Trump

racism, his conduct toward women, his erratic behavior, and his potential access to the nuclear arsenal. They were party stalwarts who had voted Republican on a regular basis, served in Republican administrations, and raised money for and volunteered in campaigns.

“They question his character and judgment,” she wrote. “They understand that refusing to vote for Trump means that a Democrat will probably win. . . . They understand that a Democratic win means that the Supreme Court will flip liberal, and probably stay that way for a while. . . . They think the GOP is better off losing the election than winning it with Trump at the helm.” They invoked comparisons with the Vichy government and with Quisling. One wrote that he would “‘tattoo #NeverTrump’ on a rather delicate part of his anatomy” if

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it prevented Trump's nomination. As McArdle concluded, "They wrote in the strongest possible language, and many were adamant that they would not stay home on Election Day, but in fact would vote for Hillary Clinton in the general and perhaps leave the Republican Party for good."

If one were to create a composite character out of the things McArdle's respondents said, it would tend to go something like this: "I'm a 40-year-old *National Review* and *Instapundit*-reading conservative who has voted for the Republican in every election since 1996. I intend to vote for Cruz in the primary and would be happy to vote for Cruz or Rubio in November. My opinions about Hillary Clinton are about what you would expect, and if it's Hillary vs. Trump, I'll most likely vote Libertarian. I've spoken with many of my friends from my College Republican days and it seems they all have the same thoughts. I will never vote for Trump. Ever. And if that brings about the end of the GOP, so be it. Any party that picks Trump as its voice is not a party I want to be affiliated with. He has no moral compass and no abiding principles except for self-promotion. Being in the wilderness, politically speaking, is preferable to being complicit in the election of Donald Trump, and with it the destruction of the party I have supported my entire adult life." What is remarkable across the range of her letters are the number of long-term and devoted Republicans, who have worked all their lives against Hillary Clinton, who are willing to vote or even work for her, if that's what it takes to stop Trump.

‘Sometimes party loyalty asks too much,’ John Kennedy said when asked to endorse Democratic hack Foster Furcolo over Kennedy’s colleague and friend Leverett Saltonstall in the Senate race in Massachusetts in 1954. For many, party loyalty asked too much in 1964, when Republicans were asked to support Barry Goldwater, and in 1972 when Democrats were asked to support George McGovern, each of whom were seen as on the outermost fringes of their coalitions. In the latter cases, there was grumbling but no third-party movement, and large parts of the electorate sat on the sidelines or crossed over, while their party’s candidate lost by wide margins. But in these cases, the candidates seemed to be unacceptable because people

thought that their ideas and policies could be dangerous—that they would be too prone or too averse to the usage of power—not that they were, as Trump seems to be, unacceptable because *they* may be bad.

For an example of what can happen when the man himself appears unfit for office, we have to go back to

1800, when under the rules of the day the runner-up in the election became the vice president, and through a technical error Aaron Burr found himself in a dead heat with the intended winner, Thomas Jefferson, alarming no one more than Jefferson’s archenemy, Alexander Hamilton, now in retirement from politics in Burr’s own New York.

“By mid-December . . . it was evident that Jefferson and Burr would garner an equal number of electoral votes, throwing the presidential contest into a lame duck House of Representatives that was still dominated by Federalists,” writes Ron Chernow in his 2004 biography, *Alexander Hamilton*. And Hamilton was soon hearing rumors that a number of his fellow Federalists had been thinking of voting for Burr.

Some of the arguments urged by the Federalists sound very familiar today: “Federalist leaders pelted Hamilton with letters about the expediency of supporting Burr and ending Virginia’s political hegemony. Because Burr lusted after money and power, they thought they could strike a bargain with him. They worried less about Burr’s loose morals than about what they perceived as Jefferson’s atheism. . . . John Marshall and others thought Burr a safer choice than Jefferson, who might try to recast the Constitution to conform to his ‘Jacobin’ tenets. . . . Fisher Ames feared that Jefferson was ‘absurd enough to believe his own nonsense’ while Burr might at least ‘impart vigor to the country.’” Ah, vigor! Burr, these men were saying, could at least be a

“winner,” and there was no shortage of energy there.

Hamilton and Jefferson had been the best of enemies ever since they met in 1789 in George Washington’s cabinet, and the Little Lion and the Sage of Monticello did not get along, inadvertently starting the two-party system, which none of the Founders had imagined would develop, and conducting it on a level of personal rancor that seems remarkable even today. By 1792 they were conducting battle through the newspapers. Journalist James



Hamilton



Burr



Jefferson

Callender would expose both Jefferson's affair and his children with his slave Sally Hemings as well as Hamilton's affair with and blackmail by Maria Reynolds, which took place while he was still in the government, in Philadelphia, in 1796.

Praising Jefferson did not come easily to Hamilton, as was evident in his opening words to James Bayard, the Delaware congressman he was lobbying on Jefferson's behalf: "I admit that his politics are tinged with fanaticism, that he is too much in earnest in his democracy; that he has been a mischievous enemy to the principal measures of our past administration, that he is crafty and persevering in his objects, that he is not scrupulous about the means of success, nor very mindful of truth, and that he is a contemptible hypocrite," he began in what is undoubtedly the strangest opening to an endorsement ever made in political history.

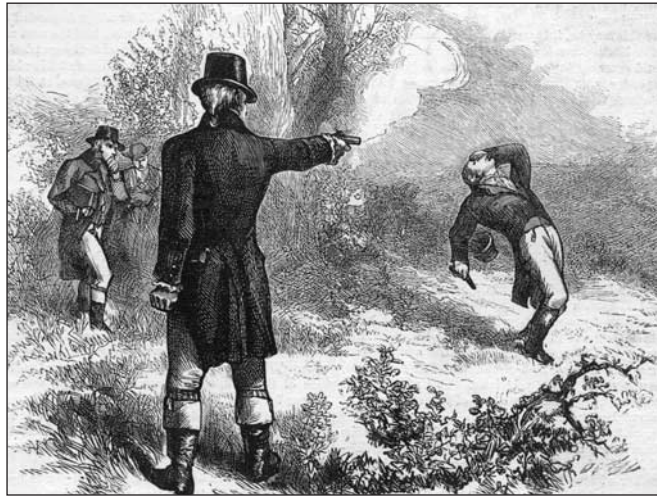
But Hamilton went on to say that with all his faults Jefferson was a rational man with coherent ideas who operated within the normative range of accepted behavior in life and in politics, while Burr was something fundamentally different—a man for whom norms, rules, and boundaries didn't exist. In 1792, Hamilton had taken his measure of Burr and never moved from it: Burr was "unprincipled both as a public and private man . . . for or against nothing but as it suits his interest or ambition . . . determined . . . to make his way to be the head of the popular party . . . and to climb . . . to the highest honors of the state." Now Hamilton warned friends about Burr's debts and the scandals involving his business investments, calling him a profligate, a voluptuary, unprincipled, and dangerous.

Embracing Burr, Hamilton said, would sign the Federalists' "death warrant," and he warned of the impact abroad: "No agreement with him could be relied on," he wrote to Theodore Sedgwick. "The appointment of Burr as president would disgrace our country abroad." Above all, he stressed the shame to the party if it involved itself with a man of Burr's character and said, according to Chernow, that "if they installed Burr as president" he "would withdraw from the party, or even from public life."

In the end Hamilton prevailed, at least with Bayard, who on the 36th ballot removed his state's vote from

Burr's column, sparing the country a President Burr, but not sparing it from the two secession attempts Burr would make. The first was in 1804 when, as vice president, he tried to take New England away from the rest of the country, which was ended only when Burr killed Hamilton in the duel between them. He would try again in 1807, this time to break the West off from the East, an effort for which he was tried for treason in 1807. Hamilton's decision to go with the political foe as against the loose cannon had proven inspired. Politics is one thing, he had seemed to be saying, but when balance itself appears on the ballot, it is prudent to go with the sane.

"I feel it a religious duty to oppose his career," Hamilton wrote when he first took Burr's measure, and something the same might be said of the 40 prominent Catholic scholars who issued an open letter on March 7 on the *National Review* website to ask their co-religionists—and all other people of good will—to disown and reject Donald Trump, calling him "manifestly unfit to be president," citing his "vulgarity, oafishness . . . and . . . demagoguery," his celebration of torture, and "his appeals to racial and ethnic fears." If such rebukes have been



*Hamilton is felled by Burr, July 11, 1804.*

all but unknown since 1800, it's because of the rarity of men deserving of them rising to the top in American politics.

As McArdle explained, "These are issues that are rarely issues at all in a political campaign because most politicians who become serious contenders pass the basic threshold of not behaving as Trump has. . . . Trump fans should know that the #NeverTrump Republicans who wrote to me are not rejecting *you*, or even your issues. They are rejecting *Donald J. Trump*, because they think he is a bad person. . . . If party fracture costs Republicans the general election, you will have lost not because you supported him on immigration, but because you supported *him*." This isn't about "the establishment" vs. "the base."

Once in a blue moon, or twice in two centuries, a Burr or a Trump comes along who is truly an outlaw, someone outside the normal perceptions of what is acceptable, who marks himself off as not to be trusted. In that case, when and if it should happen, the Hamilton gambit may not be the worst card to play. ♦

# Structural Nonsense

*Flint and the myth of environmental racism*

BY JONATHAN BRONITSKY

In 1989, a small videogame company called Maxis released *SimCity*, a city-building simulation, inaugurating what would become one of the best-selling computer game series of all time. *SimCity*'s aim was straightforward: As “mayor,” the player was challenged with designing and managing a metropolis. In addition to this open-ended mode, there were also goal-centered, time-contingent “scenarios” using preexisting municipalities. Three of the six scenarios were based on historical events. For example, with “Bern, 1965,” the player was tasked with constructing a mass-transit system to reduce traffic in the Swiss capital.

Maxis's highly anticipated second installment, *SimCity 2000*, released in 1994, featured three new scenarios to test the mettle of pajama-wearing urban planners. With “Oakland”—styled after the California city's 1991 firestorm—the goal was to put out a colossal brushfire and grow the population from 41,000 to 50,000. With “Charleston,” the goal was to grow the population to 45,000 after a massive hurricane (based on 1989's Hurricane Hugo).

Then there was a third, the goal for which was to revitalize an “automotive industrial town . . . hit hard by a recession” and increase its population from 10,000 to 21,000. The name of that scenario was “Flint.”

Flint, then, had become known to millions as an emblem of postindustrial destitution long before January 16, when President Barack Obama declared a federal emergency in the Michigan city of 100,000 residents about 70 miles northwest of Detroit, in response to the water crisis there.

In 2011, Flint was placed in state receivership because its finances were in free fall. Two years later, the city council voted 7-1 to stop purchasing water from Detroit Water and Sewerage Department and decided to join the

Karegnondi Water Authority. The state signed off on the swap, which was projected to save Flint \$19 million over eight years. But because the Karegnondi Water Authority pipeline would not be completed for at least three years, Flint needed to choose an interim source. So the spigot was turned in April 2014, switching the water supply from the Detroit River to the notoriously dirty Flint River.

Not long afterward, Flint residents began complaining about the taste and color of their tap water. Positive tests for *E. coli* prompted officials to pump more chlorine into the water supply. The city, at the same time, neglected to admit certain chemicals to prevent the extra chlorine from corroding the old pipes, causing lead to leach into the water. For 18 months, signs that the water contained dangerous levels of lead were ignored. Supplies were only rerouted beginning this past October.

Contact with lead can produce a litany of severe symptoms in adults, but it's considered especially dangerous to children because it can interfere with nervous system development. It's estimated that thousands of children in Flint were exposed to water containing enough lead

to meet the EPA's definition of “toxic waste.”

How could this calamity—or rather, this succession of calamities—have occurred? A number of high-profile current and former civil servants confessed that government was the culprit. Rep. Brenda Lawrence from Michigan, a ranking member of the House Oversight Committee's subcommittee on interior, termed Flint a “man-made disaster created by the poor policy decisions of elected and career government officials.” Hillary Clinton was even more forceful. “Your government at all levels,” she told the audience at the March 6 Democratic debate in Flint, “have let you and your children and the people of Flint down.”

Yet among the gilded avenues of Hollywood and the majestic quads of America's finest universities, a different supposition has carried the day: environmental racism. “Environmental racism,” J. Mijin Cha of Cornell University's Worker Institute explained in a January 25 post for *the Hill*, “is the deliberate placing of hazardous waste and polluting industries near communities of color.”



*Flint protester, February 21, 2016*

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It was filmmaker Michael Moore who started this ball rolling when he tweeted on December 19, “This is a racial killing. Flint MI is 60% black. When u knowingly poison a black city, u r committing a version of genocide #ArrestGovSnyder.” Similar, though less inflammatory, condemnations followed. “This would not have happened in Auburn Hills, the middle class, mostly white suburb of Detroit,” declared Lawrence Ware, professor of philosophy and diversity coordinator for Oklahoma State University’s Ethics Center, on *CounterPunch*. “If this were Beverly Hills,” Def Jam cofounder Russell Simmons averred in an interview with the *Detroit Free Press*, “it would be a minute before we found out and a second before someone would be blamed and be brought up on charges.”

Many who describe Flint’s disaster as an instance of environmental racism in America further maintain that environmental racism is a manifestation of a broader phenomenon: structural racism. Kemi Fuentes-George, opining at *Salon*, and Stephen Menendian of Berkeley’s Haas Institute for a Fair and Inclusive Society, writing at the *Berkeley Blog*, shot straight to “structural racism” as the explanation for Flint’s woes.

So what is “structural racism”? The international nonprofit Aspen Institute defines it as a “system in which public policies, institutional practices, cultural representations, and other norms work in various, often reinforcing ways to perpetuate racial group inequity.” As for Flint, Lawrence Ware offered that the structural character of environmental racism expressed itself as “a kind of institutional empathy gap” that thwarted Michigan’s state government from reacting promptly to ominous developments.

**I**gnored amid the torrent of impassioned commentary unleashed by Flint was the fact that two of the worst environmental crises directly affecting human populations in modern American history struck predominantly white (working-class) towns. The pollution of Love Canal, N.Y., and Times Beach, Mo., was disastrous enough to turn both into ghost towns, following relocations of the townspeople in 1980 and 1982, respectively.

In the case of Flint, there is far from a consensus that racial animus explains the governmental malpractice. Even in discourses otherwise focused on environmental racism, there are subtle allusions to low economic status. For instance, Robert D. Bullard, dean of Texas Southern University’s school of public affairs, asserted that Flint’s

residents would have been treated differently “if they were not largely *poor* and majority African American” (emphasis added). Likewise, Julia Craven and Tyler Tynes wrote in the *Huffington Post* that the “contaminated water disaster flowing through one of Michigan’s poorest, blackest cities is tainted by poverty and racism.” Interestingly, even Menendian’s nearly 1,300-word post at the *Berkeley Blog*, “Structural racism in Flint, Michigan,” concentrated on poverty. The word “black” appeared only once.

A handful of voices were more forthright in conceding that economic status is a dynamic worth considering. “It’s both a class and race issue,” said Carl S. Taylor, sociology professor at Michigan State University. “When you have companies there, they dump everything into the water and into poor communities.” He added, “It’s not just about black lives mattering here. Poor people’s lives don’t matter [in Flint].” Be that as it may, Taylor’s quotations were found in Craven and Tynes’s *Huffington Post* piece, bearing the title “The Racist Roots of Flint’s Water Crisis.”

About 40 percent of Flint lives below the poverty line. And yet hardly anyone refers to the situation in Flint as a display of “environmental classism.” The litany

of censures stressed that it was racial hostility, not some variant of class animosity, that caused the catastrophe in Flint. And the data (sporadically) put forth to justify claims of racial animus in environmental harm is slipshod, routinely failing to control for economic status.

Few, if any, who used environmental racism to elucidate events in Flint attempted to answer some vital questions. Is an environmental crisis similar to the one in Flint just as likely to affect an affluent African-American community? Do facilities shortcut safety measures because their managers and employees are convinced that the plight of African Americans will be ignored in the case of an environmental crisis? Or do facilities shortcut safety measures because their managers and employees are convinced that the poor lack the cohesion and status to call attention to malfeasance?

Do environmental crises disproportionately occur where there are African-American communities because the crises are somehow racially motivated, or are African-American communities situated in places where crises are more likely to occur due to economic conditions? In other words, is it possible that incidents involving, for example, landfills and smelters affect African-American communities more than white communities because the former are more prevalent

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**Ignored amid the torrent of impassioned commentary unleashed by Flint was the fact that two of the worst environmental crises directly affecting human populations in modern American history struck predominantly white (working-class) towns.**

and concentrated in urban settings, which tend to have greater number of landfills and smelters? Given the spectacular ascent of identity-politics partisans—those who scoff at the old-school left-wingers who still contend that class conflict is the engine of history—one wonders whether these are errors of omission or commission.

Here's an illustration. Let's say Orthodox Jews, despite being perhaps 0.002 percent of the U.S. population, could be shown to suffer 10 percent of all pedestrian injuries involving taxicabs on late-Friday evenings and early-Saturday mornings in American metropolises. It would be foolish to deduce that our nation's taxicab industry is plagued by "structural racism"—or maybe "vehicular antisemitism"—because observant Jews are suffering injuries in crosswalks far out of proportion to their numbers. It would be key to take into consideration that many observant Jews live in cities where there are lots of taxicabs. It would also be important to note that observant Jews tend to walk more on Friday and Saturday because the Torah prohibits driving during the Sabbath.

It's undeniable that racism still exists in our country. Additionally, there's no question that many places in which African Americans live were originally chosen as sites for harmful environmental practices because of bigotry, callousness, or simply a lack of political clout in the meetings where such siting decisions were made.

But this is not, first and foremost, what the purveyors of the environmental racism theory are saying. They are describing what transpired in Flint as the outcome of a very present current of racism. And by bringing "structure" into the discussion, they are invoking a brave new postmodern world, powered by perpetual conflict between forces of subjugation and domination. The harm committed in Flint is thus suffused with racism, yet there are no specifically racist perpetrators. It is the institutions themselves that are racist. The longstanding virus of American racism has, thus, infected even the lowliest bodies of local government.

What's striking about the indignation involving Flint—and other cases of environmental racism—is the dearth of recommendations. For if it's institutions broadly rather than specific people that are racist, then no one can really be held accountable for racist misdeeds. It's as if for those perturbed by environmental racism, pointing out the existence of the foul phenomenon is an end in itself. Doing so advances an ideological agenda that insists the sins of America are well-nigh intractable. Despite the prevalence of cultural sensitivity training, scholars claim that environmental racism has only gotten worse. Either cultural sensitivity training is ill-equipped to face the hurdles for which it is designed or

environmental racism is a defective concept, one that does not accurately reflect American conditions.

“Structural” analyses permit those who wield them to not only selectively exact convictions, but also selectively mete out pardons. Darnell Earley, the emergency manager who oversaw Flint's switch in water supplies in 2014 (and earned \$180,000 a year), was largely spared. And the EPA, which sat on its hands for months despite the requirements of Section 1414 of the Safe Drinking Water Act, has only recently started taking heat.

Michigan governor Rick Snyder, nevertheless, has encountered salvo after salvo of excoriation. Why? It wasn't because he's the state's executive and, accordingly, the proverbial buck stops with him. Rather, it was because of an action that exacerbated structural racism. By placing Flint into state receivership, he robbed its residents of their dignity, thereby rendering them “voiceless.” “The response was muted,” Virgil Bernero, the mayor of nearby Lansing, told the *Huffington Post*. “The state response was sluggish and irresponsible. That does have something to do with the people being voiceless.”

Those whose minds have not been blessed with an exclusive liberal arts education will likely arrive at a far less conspiratorial conclusion: It was inattentive bureaucracy, not some pervasive and malignant power, that was to blame for

Flint's water supply. Bad decisions were made not because a gaggle of public employees were subconsciously willing to poison an African-American community but because public employees often have little incentive to sound the alarm and “rock the boat.”

And that's why the idea of environmental racism is so injurious. It denigrates hardworking civil servants by positing that they are malicious rather than careless or irresponsible. More important, it hurts the disadvantaged because it doesn't show the way towards any reliable paths for progress. As long as the universalist mantra “all lives matter” is shouted down by certain factions of the left, the issues that brought about Flint's environmental devastation will likely persist, further damaging the lives of poor blacks as well as poor whites.

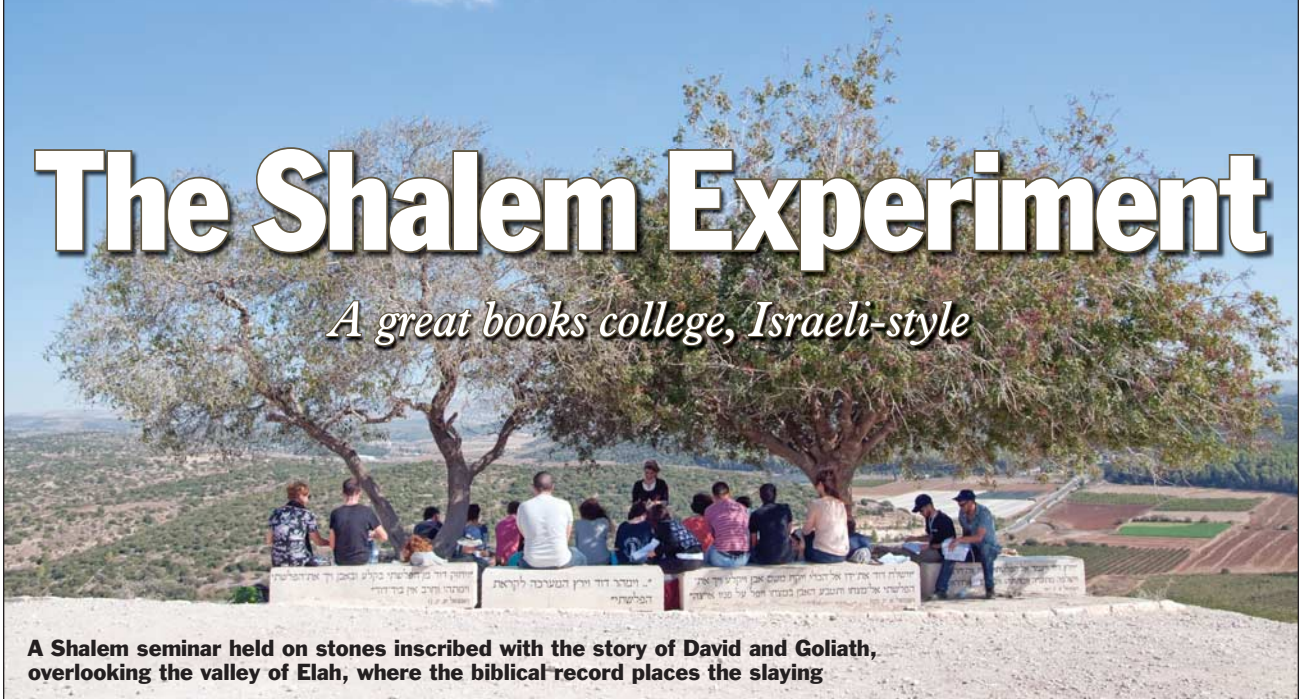
In *SimCity 2000*, the optimal strategy for reviving “Flint” and, therefore, conquering the scenario of the “automotive industrial town” was to dramatically lower commercial taxes, encouraging private enterprise to replace public administration. One can only imagine how dumb-founded players would have been if they had been tasked instead with expunging structural racism. ♦



*It takes higher education to buy this.*

# The Shalem Experiment

*A great books college, Israeli-style*



**A Shalem seminar held on stones inscribed with the story of David and Goliath, overlooking the valley of Elah, where the biblical record places the slaying**

BY KATE HAVARD

*Jerusalem*

**T**here is a small experiment in liberal education flourishing on the outskirts of Jerusalem. It is called Shalem College, and there is nothing else like it in Israel. Shalem is Israel's first pure liberal arts college—where all students undertake a course of study rooted in the great books of Western civilization.

With Shalem's first class now in its junior year, the place is starting to feel like an institution that will endure. The campus is located among sprawling apartment complexes in a residential neighborhood. Inside, about 150 students gather in the halls or in a high-ceilinged lounge between classes, gossiping and arguing in a mix of Hebrew and English about the day's readings, loafing in vinyl booths, or slumped over their homework, napping. The college has developed its own in-jokes, biases, and culture.

For example, Shalem students love to hate on Plato. "Ehhhhhhhhhh," says Choresh, a sophomore, when I ask her how she likes Socrates. She holds her hand high up in the air: "He is up here. That is okay for him." She puts her other hand on the table: "I am down here."

Shahar, a junior, offers a sharper critique of the *Republic*: "You know this thing he has with the raising all the children in common? We tried that here. It's called kibbutz. And you know what we got? A whole generation of f—ups."

Shalem College is committed to shaping a different kind of generation. The Israeli leaders of tomorrow, they say, need the virtues that a great books education can

provide, not least of which is a knowledge of the intellectual history of the world in which they live. Zionists, they contend, need the liberal arts in order to grapple with the complexities of running a Jewish and democratic state in an increasingly hostile world.

Shalem is explicit in its desire to see its students steer the future of Israel. That's why in addition to philosophy, science, literature, and history, students must meet rigorous English-language requirements, with courses in rhetoric and public speaking. Community service is also required. One of the most common extracurricular activities, perhaps surprisingly (given the treatment of Israel at the hands of the United Nations), is Model U.N.

The students I speak to are ambitious. And I wonder if this is why Plato's Socrates—who is so skeptical of political ambition—leaves them cold. While sitting in on one of Shalem's English-language lectures, I got a different explanation from Professor Shira Wolosky:

"This is why you Jews are never going to get Plato!" she says. The course is on hermeneutics (methods of interpretation of texts, especially the Bible) and she is cheerfully exasperated. She has just asked them to define the phrase "to fulfill" in the context of early Christian philosophy.

"To fill up," one student says. "To complete," says another.

*Wrong!* Wolosky tells them. They are thinking too much like Aristotle, who saw actions in terms of potentiality and actuality, giving priority to tangible events with a *telos*, an end. In Plato, she says, the tangible is false, corrupted, "the bad version of everything," and the only real things are the ideas—the eternal forms "beyond the world, above the world."

Plato's metaphysics show up again in Christian philosophy, she says. These theologians find, in Plato,

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COURTESY OF SHALEM COLLEGE

“signifiers” for the story of Christ and the resurrection.

The students ask questions about eschatology, Saint Augustine, and Erich Auerbach. As the class goes on, Wolosky emphasizes the push in these texts towards universality and unity, which sometimes turns into a demand for sameness. In medieval Europe this vein of thinking helped form the rationale for antisemitism. “The Jews stand for difference,” she reminds them.

But the class soon gets distracted discussing different kinds of apocalypses, so Wolosky goes in for the kill.

“This is fundamentally important to you,” she says. “The ideas that come out of this shape the intellectual trends in Europe today. . . . It is a part of the discourse of the BDS movement, the Israel boycott. It matters for the status of Israel. You must understand this.”

This is an underlying principle of Shalem College: that studying the liberal arts is critical to the nation’s survival. Israelis need to know the Western canon—not only for its own sake, but to have the intellectual armor to fight for their existence.

The program at Shalem is modeled after great books programs at schools like St. John’s College, the University of Chicago, and Columbia—with the added dimension of Jewish studies, Zionist thought, and Islamic studies.

In the first year, students are required to take classes on classical literature and philosophy, history, writing, English, and music. They also take classes on the Talmud, Islam, and the Bible.

Dr. Orit Avnery, who teaches the Bible “as a great book,” says that while the students have the advantage of being able to read the Bible in the original Hebrew, reading it as literature presents unique challenges.

To the students who grew up studying Torah in a religious setting, “I must tell them to put off the glasses of Rashi and the Chazal [the commentary of the sages].”

Meanwhile, the students who grew up strictly secular “look like a child [at] the stories,” she says. “They remember what they read in kindergarten” and are surprised to find the material deeper than they remembered.

Avnery demands that both sides justify their interpretations in the text itself. They must “show me where they see it in the verses,” she says. Doing so, “they learn how to respect each other and listen.”

In the second year, students choose between two majors: philosophy and Jewish thought or Middle East

and Islamic studies. About a third of their classes will be in their major, but all the students will still be taking the Shalem core. In the second year, this means modern philosophy (Descartes, Hume, Leibniz), Christianity, Jewish philosophy, and Hellenic philosophy.

Third-year students take Hebrew literature and Zionist thought with an added requirement in physics or biology. In the fourth year (which hasn’t actually happened yet), students will tackle economics, modern social science, and Western literature from Dante to Woolf. In addition to the core, the students have asked for, and received, elective classes on feminism, Eastern thought, and critical theory

The majority of Shalem students come in their mid-twenties, after military or national service. They are full of zeal, but they also know they are taking a risk. Shalem is new. And their families—and future employers—might look at their education with confusion or even scorn.

Aryeh is a 23-year-old freshman from Beit Shemesh. Growing up, his father told him and his three siblings, “You have free choice in your career. You can be any kind of engineer you like.” One of his older siblings is a civil engineer, the other a computer engineer. His little brother is in the army. Aryeh got out a month ago. He got hooked on philosophy while he

was stationed in Hebron in the summer of 2014, during the Israel-Gaza conflict. “There was a lot of guarding and stone throwing,” he says. “It gets very boring.”

At night, he started reading a translation of Bryan Magee’s *The Great Philosophers*. His copy is falling apart, but “I never finished it,” he says. “I got stuck on the pragmatists.” The one who really got under his skin was David Hume, the Scottish skeptic, famous for making philosophy students doubt that there’s any empirical evidence suggesting the sun will rise in the morning.

“Hume was not fun,” he says, but “the boldness” he liked. “It was shocking.”

Aryeh skipped the gap year many Israelis take after their service (perhaps to go backpacking through India or South America) and went straight to Shalem.

Tovi, 23, is also a freshman. She asks to be interviewed so she can practice her English. Tovi grew up in a small settlement attending an all-girls religious school. She found Shalem when it hosted her for Shabbat during a cross-country hiking trip she took.



A Shalem poster on campus

“My father would like to see me married with two kids by now,” she says. “Most of my friends are married. But I choose a different path.” She is reading Heraclitus. She likes how “everything moves all the time, and the world is built by contrast.”

“In other places I won’t read all this,” she says. “It makes me wonder.”

The classes are small (about 50 students per year) and Shalem is selective. To apply, students must have a weighted average above 100 on the standardized test Israelis take to graduate from high school. Each attends on full scholarship, and students who live within a kilometer of campus receive a stipend as well. This is to encourage students to dispense with outside jobs



A Shalem chalkboard in the common room

and be able to devote themselves as fully as possible to the program’s grueling requirements.

It also acknowledges the leap of faith they are taking in attending a college about which Israeli society hasn’t yet made up its mind.

There are hundreds of liberal arts colleges in the United States, even as one hears frequent laments about their decline. And most American college students, even if they aren’t at a liberal arts school, still have to take some liberal arts classes intended to give them a well-rounded education. But in Israel, where higher education is geared to research, technology, and preparation for professional life, such a program is radically new.

Although Shalem’s founders tell me that other academics have been supportive, they’ve also faced steep skepticism and even some hostility. In response to a detailed description of the aims of Shalem College, a leading Israeli academic figure wrote back that “education” wasn’t the proper role of an academic institution.

The higher education system here follows the model

of the German research university, where programs are tightly focused and career-driven. Even the humanities (which make up about a quarter of Israeli undergraduate education) are highly specialized. A student could get a degree in English literature without ever reading Homer—or a degree in Arabic literature without ever having to read the Hebrew Bible.

When it comes to the STEM fields (science, technology, engineering, and math), the Israeli education system has been wildly successful. Israeli advances in science, medicine, and defense have helped the country survive and grow into a major world and economic power.

However, the founders of Shalem believe that the problems Israel faces cannot be confronted with technical know-how alone.

Shalem College may be just three years old, but its students have already been through a war together. During Operation Protective Edge in 2014, about 20 percent of Shalem’s students were called up to reserve service.

And the first day I visited Shalem last fall proved to be a momentous one. I turned on my phone after Shabbat to see that Paris had been attacked by ISIS. Meanwhile, stabbing attacks were taking place in Israel nearly every day, many of them in Jerusalem. Some of the attackers, I was told, came from the neighborhood around Shalem’s campus.

Two Israelis had been killed in the Old City, the walls of which are visible from Shalem’s roof. The night of the Paris attacks, I was walking alone near Jaffa Gate and asked for directions to a vigil

for the victims. A group of young men told me that ISIS was the work of the FBI and Mossad. They chased me out of their store, one of them shouting, “F—ing Jews, Jewish ISIS, ISIS is Israel.”

At Shalem, life went on as usual, except a field trip to a nearby Arab-Israeli town was canceled for security reasons. Instead, Shalem took its freshmen to the Israeli Supreme Court, where they grilled a justice on the intricacies of Jewish divorce laws and debated gay marriage. One of the freshmen is a former *agunah*, a “chained woman,” whose husband for many years refused to give her a divorce.

The questions that a great books education raises—about the nature of justice, of freedom and equality—are not abstract here. Daniel Polisar, the college’s provost and executive vice president, points to the “disintegration of the Arab states at Israel’s borders,” which is not just a security issue but an existential, philosophical problem for the future of democracy. It’s an issue with which the entire world is grappling but one that Israel, due to proximity, has to face first.

Polisar says the next generation of Israeli leaders will

need to be able “to think, to analyze, to write well, to speak well, to listen well.” There is no better training for this than the liberal arts.

These students, he says, are “facing all the questions” of a nation “whose founding generation has died out.” Shalem’s emphasis on the great books of Zionism “might not have been necessary 40 or 50 years ago,” when those who saw the birth of the modern Jewish state were still around and active in public life.

But as Zionism transitions from a founding project to a project of perpetuation, the education Shalem offers its students becomes increasingly necessary. What’s the future of the Jewish state? How—and why—will it endure?

These tensions exist within the college as well. Students majoring in Middle East and Islamic studies also take intensive classes in Arabic. Throughout their week, they meet with their instructors one-on-one or in small groups.

Shalem puts an emphasis on hiring native Arabic speakers to teach these classes, like Eman, a 25-year-old Palestinian from East Jerusalem. Eman is getting her master’s in Arabic literature from Hebrew University. She wears a black hijab with white and pink polka dots and a matching hot pink sweater.

Initially, she brings children’s textbooks and listens to her favorite songs with the students. They talk about their families. “I will tell them about our weddings, and they will tell me about theirs. We talk about cooking, and I find the recipes that are the same as mine; I find that their mother was from Libya, their uncle from Algeria.”

They also read newspapers, but they try not to talk about local news. Occasionally, her more advanced students will ask her what she thinks about the Israeli-Palestinian conflict. I ask her if she feels comfortable working at a place that is unapologetically Zionist.

“I love working here,” she says. “They are so sweet. I feel very comfortable, very warm. We live together.” But, she says, “It’s hard. It’s hard to talk about. They believe in things, and I believe in things.”

She pauses. “The both of us want to bring good things,” she says.

But they do not agree “on where to put people. On which party should control Jerusalem. On whether it will be Israel or Palestine.”

These discussions do not end in neat resolutions or singing “Kumbaya.” Eman says she’s never spoken about this with Israelis before. Although she had Israeli friends at Hebrew U., they never spoke about politics. They knew she didn’t want to. “At Shalem they put me in a situation where, *yalla*, we have to talk,” she says.

*Yalla* means “Let’s go.”

“I think now—I want to talk more and know,” she says. Her students say the same thing.

This semester, Eman is reading the Bible for the first time. She reads it in Arabic with her students, who are fascinated by the way it’s been translated from the Hebrew.

“I want to be a professor,” she says. “I want to continue my studies. I have big dreams. My family encouraged me to work here, but other people who learn that I am teaching the Israelis Arabic, they think it is . . . strange. They say ‘You are teaching the enemies your language. They may use it against us.’” She tells them that her teaching is for “academic research . . . not for the army.”

In his essay “Progress or Return?” Leo Strauss wrote that “the core, the nerve, of Western intellectual history, Western spiritual history . . . is the conflict between the biblical and the philosophic notions of the good life.” He called this conflict “the fundamental tension” between Jerusalem and Athens.

To Strauss, the “recognition of [the West’s] two conflicting roots . . . is, at first, a very disconcerting observation,” but it is also “the secret of the vitality of Western civilization.” In a way, each side—reason and revelation—can check the excesses of the other.

Nowhere is that tension more keenly felt than in Israel, a state that strives to be both Jewish and democratic, secular and religious, modern and eternal.

At its core, Shalem College seeks to equip its students to live these tensions. In some cases, they’re already doing it.

Shmuel, 25, is one of Shalem’s American-born students. Riding his scooter to class sporting wild hair, flannels, and a *To Kill a Mockingbird* T-shirt, you could picture him at home at Hampshire College or Sarah Lawrence. You’d be wrong.

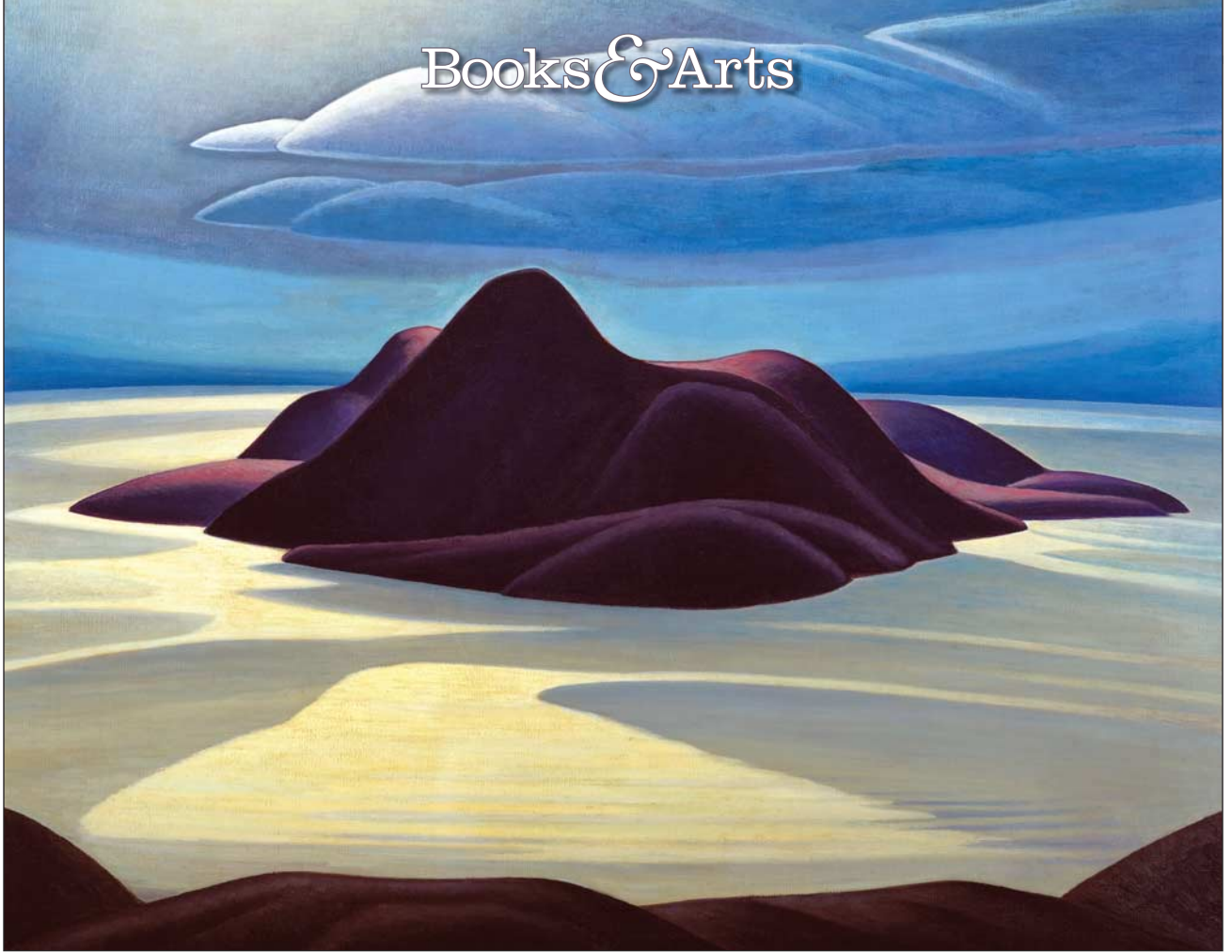
Shmuel grew up in an orthodox community on the East Coast and moved to Israel when he was 18. He is, like Odysseus, a man of twists and turns. He spent five years in yeshiva and then two years in the army driving tanks.

What he likes about Shalem, he says, is their idea that education is for “building a person.”

Students who don’t have Hebrew as their first language are sometimes allowed to read works in translation. Shmuel grew up speaking English, but now he’s reading Homer in Hebrew. He’s pushing himself to become fluent. When he gets excited, his English and his Hebrew run together. You can tell he likes it when he forgets English phrases.

But Homer in Hebrew is creating problems for him. The translation uses archaic Hebrew words that are out of fashion. But he doesn’t always know what’s modern and what’s not. So he’ll start using *Iliad* words in everyday conversation. And people look at him funny. He keeps using them. His favorite Hebrew word in the *Iliad*, he says, is *l’hitkatesh*.

“It means ‘to spar,’” he says. “I use it to say, to spar with ideas.” ♦



'Pic Island' (1924) by Lawren Harris

# Northern Eye

*The Canadian vision of Lawren Harris.* BY PAUL A. CANTOR

It sounds like a *Saturday Night Live* sketch when you first hear about it. Steve Martin—the Steve Martin—is curating a museum exhibition of works by a supposedly famous Canadian painter you’ve never heard of. You expect Dan Aykroyd to come out dressed as a lumberjack in a beret, using a hockey stick and some maple syrup to paint a picture of a duck. He and Martin

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**The Idea of North**  
*The Paintings of Lawren Harris*  
 by Steve Martin  
 Prestel, 160 pp., \$49.95

would then exclaim: “We are two wild and crazy art connoisseurs!”

But this reaction only shows how uninformed most Americans are about the great tradition of Canadian painting, which includes such world-class artists as Emily Carr and Alex Colville and no one more significant than Lawren Harris. He is the subject of a very real traveling exhibition, which is indeed curated by the comedian Steve

Martin, who turns out to be a knowledgeable art collector. This exhibition of 31 Harris paintings has already appeared to glowing reviews at the Hammer Museum in Los Angeles. It is currently on display at the Museum of Fine Arts in Boston (through June 12) and will close out its run at the Art Gallery of Ontario in Toronto (July 1-September 18).

By all means, go to this exhibition: It offers a rare opportunity to discover a major creative talent—one of the great landscape painters of the 20th century, a visionary artist who showed how modernist techniques can transform a traditional genre. But if you cannot

MICHAEL CANADIAN ART COLLECTION

get to *The Idea of North: The Paintings of Lawren Harris*, fortunately that is also the title of this book published to accompany the exhibition. While the book cannot do full justice to the grandeur of Harris's paintings, its color reproductions of every work in the exhibition do a decent job of capturing what makes him so extraordinary as an artist. Especially in a series of detailed close-ups, the book manages to suggest the complex painterly texture of his works and even something of their uncanny luminosity.

The book contains brief but helpful essays on Harris, as well as a chronology of his life and a bibliography of writings about him. It also includes some remarkable photographs Harris took in the Canadian arctic, which together with his preliminary sketches document how he worked to transform the real world into his visionary paintings. Cynthia Burlingham's essay on the role of Harris's drawings in his creative process is especially illuminating. Martin's contribution is brief, but he holds his own with the certified art experts, particularly in an insightful comparison of Harris to Edward Hopper. The book thus serves as a solid introduction to Harris for the many Americans who have never heard of him. But even longtime Harris fans will want this volume, because it offers by far the best reproductions of his paintings I have ever seen in print.

Lawren Stewart Harris (1885-1970) does not fit the stereotype of the starving artist so beloved by the public. As an heir to the Massey-Harris farm machinery fortune, he could finance not only his own painting career but also an entire artistic movement. He helped found and fund the Group of Seven, joined originally by Franklin Carmichael, A.Y. Jackson, Frank Johnston, Arthur Lismer, J.E.H. MacDonald, and Frederick Varley. Largely educated in Europe—Harris studied in Berlin—these painters set out to apply the new artistic developments of the late 19th and early 20th centuries—chiefly Impressionism and Post-Impressionism—to distinctively Canadian subject matter, especially landscapes. Think: Monet meets the Canadian Rockies.

By choosing to paint their native land, the Group of Seven were able to overcome a potentially debilitating sense of being hopelessly derivative from their European models. Creating a new art for the New World, they could offer subjects no European had ever depicted and, at the same time, usher Canadian painting into the 20th century. In particular, in trying to commit to canvas the distinctive Canadian landscape, Harris and his associates had to develop new pictorial techniques. Imagine being the first to reproduce in paint the riot of fall colors in the Algonquin. In a Canadian forest, Fauvism becomes realism.

Or ask yourself: How do you paint a glacier or an iceberg? To answer that question, Harris made several journeys to remote regions of Canada to study firsthand the exotic landscapes and to learn how to reproduce them in paint. Above all, he painstakingly noted the eerie effects of light in the North—the way sunlight breaks through clouds or reflects off ice. *The Idea of North* appropriately concentrates on Harris's northern landscapes, his paintings of the north shore of Lake Superior, of the Canadian Rockies, and of the eastern arctic in Canada. Everyone agrees that these works constitute the pinnacle of Harris's achievement as a painter.

Harris was, of course, hardly the first person to paint mountains, even snow-capped mountains. Consider, for example, the German-born American artist Albert Bierstadt, who did for the Swiss Alps and American Rockies what Harris did for the Canadian. In the 19th century, Bierstadt was the gold standard of the alpine sublime. But Harris's mountain landscapes have an elemental power that even Bierstadt's grandest paintings lack. (For the record, the American artist who most resembles Harris is Rockwell Kent.)

Harris reduces mountains to their bare essentials in his paintings, and I do mean "bare." His mountains are all rock, snow, and ice, basically emptied of any signs of living vegetation. The only trees in Harris's northern

landscapes are dead stumps, seemingly defying the desolation that surrounds them but obviously fighting a losing battle. Given Harris's stark and forbidding images, Bierstadt's vision of the American Rockies looks positively cozy and lived-in by comparison. Bierstadt paints lush forests and often includes signs of human habitation in his alpine scenes.

Martin perceptively writes of Harris's development as a northern landscape painter: "But these new scenes, devoid of life except for the occasional mossy plain, are not dead. The absence of organic things in the mountains, lakes, and icebergs he now painted created a paradoxical effect: the pictures came to life." As Martin argues, even as Harris dwells on the sheer materiality of his mountains, he reveals a deep spirituality emanating from the natural world. Influenced by the odd pairing of American Transcendentalism and Theosophy, Harris looked through the world of nature to some kind of world beyond.

Indeed, by abstracting from picturesque details and emphasizing the sheer geometrical form of his mountains, Harris strives to convey the Platonic idea of a mountain. In an August 2015 interview in *Border Crossings*, Martin betrays his undergraduate philosophy major when he says of Harris: "You get the feeling he has distilled the effects of nature: here are the sunrays, here is the light on the water, and here is the island. In a strange way he has condensed them into Platonic ideals."

An excellent example in the exhibition of the effects Martin describes is *Pic Island* (1924), one of my two favorite Harris paintings (the other, *Miners' Houses, Glace Bay*, is not in the exhibition, but is reproduced in miniature in the book). At first glance, in *Pic Island* Harris seems to be depicting an inert nature, just a squat lump of land, protruding from Lake Superior. But if one steps back to allow the painting to work its magic, it comes alive and one begins to see a crouching beast at its center—perhaps some kind of cat or (as I like to think) a sphinx. Even though Harris seems to be painting a landscape empty of life, he gives a

biomorphic character to his dead subjects. Call me a wild and crazy guy, but sometimes I think I can hear Harris's Pic Island purring.

Incidentally, if you do go to the exhibition, be sure to stand as far away from the paintings as you can. They are truly impressionistic and achieve their full effect only at a distance. Up close, Harris's paintings may seem flat and merely beautiful, but they take on depth and become sublime from far away, as their rough, painterly textures dissolve into shimmering shafts of light, moody clouds, and brooding horizons.

I hope that this exhibition and this book will introduce Harris to a much wider American audience and help him to achieve the fame he deserves in the United States. In Canada, he has, of course, long been celebrated; but maybe Canadians need to be reminded of what a great painter Harris truly was. Like all the Group of Seven painters, Harris has become a victim of his success. Initially scorned and rejected as too modern, the Group of Seven artists achieved iconic status in Canada, with their paintings viewed as national treasures. In 1995, 10 of their paintings were even enshrined on Canadian postage stamps. But as often happens in the art world, familiarity breeds contempt, and the Group of Seven, once viewed as avant-garde, are now often dismissed as old-fashioned in Canada.

We can sense that reaction in the essay by Andrew Hunter, the one Canadian co-curator in *The Idea of North*: "For Martin, Harris was a new and bold discovery. I cannot remember Harris ever being that new to me." At times, Hunter seems almost apologetic about foisting Harris's passé paintings off on an unsophisticated American audience, as if to suggest that Canadians have long since moved beyond this alpine kitsch. Perhaps Steve Martin can open Andrew Hunter's eyes to what is genuinely and perennially revelatory in Harris's northern landscapes. It would be ironic if it took an American comedian and wannabe magician to reawaken the magic of Lawren Harris in Canadian eyes. ♦

BCA

# Thinking Aloud

*An academic takes a turn at journalism.*

BY MARK BAUERLEIN

**T**wenty years ago, a *New York Times* editor phoned Stanley Fish and asked for a column. "About what?" he replied. "Anything you like," she said. Fish came up with "How the Right Hijacked the Magic Words" (August 13, 1995), which argued that conservatives had seized the liberal lexicon of *equal opportunity*, *color blindness*, and *individual rights* and used it to assail liberal programs such as affirmative action. The *Times* liked it and asked for more.

Over the next 18 years, a remarkable corpus grew: 300 columns on the op-ed page, under the "Think Again" rubric, and on the Opinionator blog. Readers loved them and hated them in large numbers, just what the *Times* needed in an era of partisan niches and upheavals in print journalism. Comments on each one ran to the many hundreds, and academics across the country shared his links all the time. Fish had the right mix of academic acumen and street smarts, plus a talent for op-ed prose. He didn't talk like a pretentious Ivy League leftist, and while he defended his colleagues against charges of political correctness during the Culture Wars, he seemed to relish the contest and enjoyed the company of Dinesh D'Souza and other conservatives. Who would have thought that an English professor skilled in High Theory and 17th-century poetry would gather a mass audience and stick to crisp 1,000-word sallies?

The topics varied widely. He cov-

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*Mark Bauerlein, professor of English at Emory, is the author, most recently, of The Dumbest Generation: How the Digital Age Stupefies Young Americans and Jeopardizes Our Future.*

## Think Again

*Contrarian Reflections on Life, Culture, Politics, Religion, Law, and Education*  
by Stanley Fish  
Princeton, 448 pp., \$29.95

ered academia, of course, but also jurisprudence and the Supreme Court (Fish has taught law at Florida International University and Yeshiva); religion and atheism; his father Max, the plumber and union leader; movies and actors (Charlton Heston, Kim Novak, Charles Bronson); fracking; and the spurious premises of liberalism (the liberalism that presumes that it's only procedural, not political). The voice was always the same: precise about what it knows and honest about what it doesn't; self-mocking and open to wordplay; out to clarify quarrels and explain sides, then judge who has the better argument.

Here is Fish on Flemming Rose, the Danish editor who ignited the Muhammad cartoon affair in 2005, saying that his call for cartoons was "not directed at Muslims" but only to address "the problem of self-censorship" (the words are Rose's).

This is what it means today to put self-censorship "on the agenda": the particular object of that censorship—be it opinions about a religion, a movie, the furniture in a friend's house, your wife's new dress, whatever—is a matter of indifference. What is important is not the content of what is expressed but that it be expressed. What is important is that you let it all hang out. Mr. Rose may think of himself, as most journalists do, as being neutral with respect to religion—he is not speaking as a Jew or a Christian or an atheist—but in fact he is an adherent of the religion of letting it all hang out, the religion we call liberalism.

That's the Fish style, compact and trenchant, irritating to some (here, liberals who claim neutrality) and satisfying to others (conservatives who are sick of liberals claiming neutrality).

*Think Again* collects almost 100 of those columns and arranges them by eight topics ("Personal Reflections," "Reflections on the Law," "Reflections on Academic Freedom"). They jump around as you might expect, given the genre—though some form a series such as the groupings on hate speech and on the humanities. Most take a prominent topic and analyze the leading contentions and evidence, as if Professor Fish were translating the discourse of the intellectual elite (Supreme Court justices, philosophy professors) for a lay audience, doing so without a whisper of condescension.

An example: The Supreme Court rules in *Snyder v. Phelps* (2011) that the father of a dead soldier may not prevent protesters from showing up at the funeral and holding abominable signs that say "Thank God for Dead Soldiers" and "You're Going to Hell." Free speech, you see. That Mr. Snyder was a captive audience and couldn't escape the taunts makes no difference, the majority stated, nor does his anguish. As Fish puts the free speech position, it always comes down to the social costs of limits upon it:

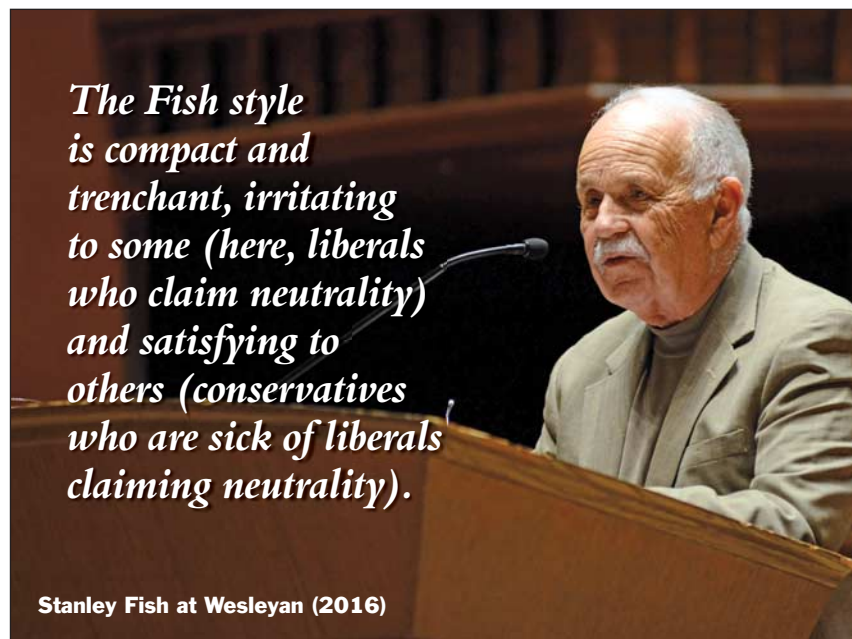
The logic is that you can be as abusive and scurrilous as you like as long as the terms of your abuse can be "related" to a matter of public concern.

Such logic you would hear in a law school seminar. Fish notes its weakness—that is, how easily "public concern" applies to anything and becomes an absolute justification—but goes further and gives the human side.

Citing a previous case, [Justice] Roberts informs us that "the burden normally falls upon the viewer to avoid further bombardment of [his] sensibilities simply by averting his eyes." "Normally" (one hopes) you won't be at your young son's funeral, and if you are, is it really your obligation to react coolly to malevolent strangers who are doing their best (or, rather their worst) to add injury to injury? Give me a break!

There are too many threads and subjects in the volume to cover in a review, and they all make stimulating reading, even in those columns that already sound dated. Fish's pieces on affirmative action, for instance, are obsolete in light of recent research on

not vote for the interests of your own group?—yet he deplores professors who turn college into social justice camp. He opposes fracking but agrees with Justice Samuel Alito on freedom of association for religious groups on campus.



the academic harm that recipients of affirmative action undergo once they begin their coursework. Occasionally, too, his provocations strike you as flat wrong, as when he denies the impact of abstract beliefs: "What exactly will have changed when one set of philosophical views has been swapped for another? Almost nothing." Anyone who has undergone such a self-revision likely feels differently.

But right or wrong isn't really the case, as Fish himself insists. These commentaries don't press a point of view, or a politics, or a taste. They are, instead, a form of mental catechism. He talks about political and cultural affairs, but the way he does so matters more than the beliefs he espouses. Indeed, he confesses in 2009 that "I don't stand anywhere," not finally and fundamentally. Liberal, progressive, conservative, reactionary—it depends on the issue. He seems to favor gay rights, but on contemporary art he's "hopelessly retro." He vindicates a certain kind of identity politics—why

The center of Fish's project lies elsewhere, not in politics but in competence. The value he upholds most is that of the job well done. Campus leftists who turn classrooms into indoctrination sessions aren't culpable because of ideology; they have betrayed their Ivory Tower calling (Fish approves of the disengaged campus). The New Atheists aren't guilty of a pernicious irreverence; they just don't know anything about the religions they denounce. Do your homework. Polish your skills. Fix your premises. Get it right. Think again—and better. That's the common instruction in his *New York Times* career.

Fish has two heroes, neither one an academic or intellectual, judge or politician: Frank Sinatra and Ted Williams. They could be callous and selfish, generous and racially progressive, too. But "neither their vices nor their virtues . . . appeal to me," Fish says. "It is their single-minded dedication to craft." Say the same for Fish. ♦

REBECCA GOLDFARB TERRY / WESLEYAN UNIVERSITY

# The Big One

*The destructive legacy of the Hurricane of 1938.*

BY ROBERT WHITCOMB



*Downtown Providence besieged*

When I was a boy living in coastal Massachusetts, I frequently heard stories about the great hurricane that crashed into Long Island and New England on Sept. 21, 1938. Most of the people who described it to me—my father and some of his friends—were only in their 30s and early 40s when they told me about it, and had very vivid stories, especially after a few drinks. What the 1906 earthquake is to San Francisco, the 1871 fire is to Chicago, and Hurricane Katrina is to New Orleans, the '38 Hurricane (aka “The Long Island Express”) is to New England and Long Island.

Seeking relief from my humdrum world, I once longed to experience such an event. What I didn't appreciate at the time was how long the mess and

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**Thirty-Eight**  
*The Hurricane that*  
*Transformed New England*  
by Stephen Long  
Yale, 272 pp., \$27.50

inconvenience from such a storm could last—in the case of the '38 storm, for *decades* in some places. Given the scale of the catastrophe in one of the most populous and richest parts of the country, the 1938 Hurricane at first got surprisingly little attention from the rest of the country because attention was riveted on the Munich crisis; many assumed that war was about to break out in Europe. (Of course, that wouldn't be for another year.) But the storm killed around 700 people and destroyed many buildings, bridges, and miles of road. Its tidal surge altered long stretches of the southern New England and Long Island coasts.

Stephen Long clearly and dramati-

cally, and sometimes with droll humor details the mayhem produced by torrential rain followed by winds that gusted to nearly 200 miles an hour on Blue Hill, south of Boston. He serves up a mix of regional history, meteorology, botany, ecology, politics, economics—all seasoned with anecdotes. But his book is mostly about the trees that the storm took down, especially in New England's large and well-established second-growth forests and in “the pastoral combination of farm field and forest [that] adorned” the region, interspersed by villages with steepled white churches. That's the (unrepresentative) scene that many tourists most associate with the region; the storm's massive blowdowns (including of steeples) altered the views in many places.

As a boy, I saw evidence of this damage in the woods next to our house, where there were numerous pits where the roots of uprooted trees had been. From the pits' shape you could tell which direction the strongest wind came: from the southeast, at more than 100 miles an hour. And there were still many gaps in the woods where tall trees had once stood. Long, founder and former editor of *Northern Woodlands* magazine, focuses on the ecological, economic, and sociological effects of the storm's destruction of mature trees in a wide swath of New England.

“The roaring wind toppled forests in every New England state,” he writes, “with New Hampshire and Massachusetts [east of the eye of the storm] hit particularly hard. The path of destruction spanned ninety miles across.” And “70 percent or more of the toppled timber was *Pinus strobus*—eastern white pine”—the most valuable and vulnerable tree crop in New England because of its height, straightness, and its many uses, from lumber to houses, furniture, and cheap shipping boxes. All this devastated many landowners, already brought low by the Great Depression, who depended on pine sales from their wood lots to make ends meet. Also torn up were many maple-tree stands, the sap from which provided a lot of extra income to New England farmers and other landowners.

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Long writes accessibly about why certain trees sustained far more damage than others: “The taller the tree the longer the lever and the greater force it can exert on the ground where it’s anchored.” Trees on southeast-facing slopes were particularly vulnerable.

Enter the Roosevelt administration, in an example of what perhaps *only* government can do: clean up damage from natural disasters that extends over many square miles. Much praise was due the U.S. Forest Service as well as FDR’s Works Progress Administration (WPA) and the Civilian Conservation Corps (CCC) in responding to a disaster as huge as the ’38 Hurricane.

The first imperative, state and federal officials and an anxious public thought, was to reduce the chances of massive forest fires from the downed, and thus drying, trees and branches. Indeed, some of the forests were closed to the public for long stretches after the hurricane for fear of fire. That the hurricane had made many of the firewatch towers inaccessible—roads were blocked by fallen trees—made it that much scarier. And so, Long explains, federal officials, led by the Forest Service, pulled together the resources of various organizations, but especially thousands of otherwise unemployed men working for the CCC (young men) and the WPA (which had older men as well). They opened roads and helped clean out much of the combustible debris left on the ground by the hurricane.

[T]he WPA [portrayed] its hurricane relief efforts . . . in an eleven-minute film. . . . Shock Troops of Disaster bears a striking resemblance to wartime newsreels, depicting feverish activity accompanied by charged music and stentorian narration. Referring to the WPA, the narrator described it in this way: “Manpower, turning from regular public improvements and services into the breach in times of dire need.”

But what to do with the fallen timber taken out of the woods, which could flood the market and lower the already-low price of the wood? To address this issue, the federal government invaded

the private market with a vengeance: “The Forest Service saw the need for a stabilizing influence on the price of logs and the flow of lumber to market,” Long writes, “so it put the power of the federal government to work” by establishing “a fair price for logs,” buying up all it could, and then gradually selling it as “demand required.” At the heart of this reasoning was that the purchasing program would allow thousands of local landowners to realize a decent return from what could have been a nearly total economic loss. The cost of the salvage program was \$16.3 million (in 1938 dollars), of which 92 percent was recovered by the government.

It’s doubtful that such market intervention will happen after the next big

hurricane blows through, but then, Roosevelt saw the hurricane response as another way of fighting the Depression. The cleanup also showed, in private-public collaborations, just how good Americans can be at addressing an emergency—as they were soon to prove after Pearl Harbor. A lot of that hurricane wood was used in war-related products and, later, in the post-war building boom.

Meanwhile, with the continuing disappearance of farmland, New England is now more forested than at any time in the past 200 years. Some year, the Northeast will again have a record surplus of lumber on the ground after another huge hurricane. And we may even long for another CCC and WPA. ♦

BCA

## Feeling Better

*What is the FDA doing, and how is it doing it?*

BY DEVORAH GOLDMAN

In his last State of the Union address, Barack Obama asked, “How do we make technology work for us and not against us?” This was one of Obama’s four “big questions” during his speech, and the audience cheered as he asked it—for good reason. It echoes the fears of regulators everywhere.

These fears are thoroughly and mostly honestly addressed in *FDA in the 21st Century*. As the title suggests, the emergence of new drugs and technologies has been disconcerting for the U.S. Food and Drug Administration. The rapid-fire pace of medical progress in the 21st century, particularly the remarkable strides made in personalized medicine, has called into question the FDA’s purpose in the regulatory universe.

The list of contributors here is tell-

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**FDA in the 21st Century**  
*The Challenges of Regulating Drugs and New Technologies*  
edited by Holly Fernandez Lynch and I. Glenn Cohen  
Columbia, 568 pp., \$65

ing: It is written mainly by lawyers, with a smattering of Ph.D.s and just four M.D.s (two of whom are also a lawyer and a Ph.D., respectively). This book is the result of a 2013 symposium at Harvard Law School, and it shows: It is primarily written for, and about, the interests of regulators. Physicians, patients, and drug developers are rarely heard from in the 500-plus pages spent discussing medical policies.

Despite the lopsided representation, however, the authors do a good job of describing pressing legal and technical problems facing the FDA, and the book contains thoughtful, scholarly discussions. Perhaps the most important section is Part Three, “Protecting

the Public Within Constitutional Limits.” To the editors’ credit, it contains a compelling debate on an extremely contentious issue that goes to the heart of the FDA’s constitutionality: the right to promote drugs for “off-label,” or non-FDA-approved, uses. It also offers a fascinating legal analysis from Christopher Robertson in his essay, “The FDCA as the Test for Truth of Promotional Claims.”

The promotional claims Robertson refers to are those of Alfred Caronia, a pharmaceutical sales representative who was convicted of promoting drugs for off-label use in 2009. Caronia appealed his conviction, and in 2012, the Second Circuit Court of Appeals ruled that the FDA may not prohibit “the truthful off-label promotion of FDA-approved prescription drugs.” Caronia’s conviction was overturned.

This matters because, as Robertson argues, what is the FDA the arbiter of, if not truth? Who is to determine whether a drug promotion is truthful, if not the FDA? This line of reasoning demonstrates the gulf that exists between medical professionals, who are in a position to observe and understand the effects of medicine in their daily work and who want to provide effective treatment to patients and lawyers viewing medicine from a distance. Doctors do not care who determines truth, as long as it is true.

In contrast to Robertson, Coleen Klasmeyer and Martin H. Redish (also lawyers) side with the medical community, arguing that the FDA does not “own” the truth. In their piece they make the case that the medical community serves as a free market for truth and point out that the off-label use of drugs is “accepted medical practice.” In this way, Klasmeyer and Redish provide an intelligent and effective defense of the First Amendment—and of reality.

All the authors seem to agree, however, that the Caronia case left the FDA in a potentially awkward position. As R. Alta Charo notes in her essay, the “court narrowly avoided overturning the entire structure of the drug regulatory system.” She expresses concern that the reduced

value of the FDA’s testing might lead to “narrower approval trials [which] result in wide population use beyond the label.” As it turns out, many patients and physicians would be thrilled with this outcome.

In their introduction, the editors admit that a well-informed, impatient populace has been challenging for the FDA. In another chapter, Charo acknowledges that, since the 1960s, the FDA has prided itself on a slow-moving, cautious approach. Ill people, however, are less inclined to wait than ever before. That is partly why it is in the FDA’s interests to limit patient access to knowledge about drugs by preventing pharmaceutical representatives from

disseminating truthful information about potential treatments. The Caronia case was a blow indeed.

The FDA has faced many challenges in a remarkably productive (medically speaking) 16 years. Technology has mostly worked against the agency, and its attempts to enforce control over the medical field have begun to falter. *FDA in the 21st Century* does an excellent job of highlighting and explaining these issues, and it is a useful source for anyone interested in the nexus of modern medical bureaucracy. It offers fewer answers than questions, which is good news for those who would like to see continued medical progress. ♦



# The Sun King Risen

*France’s Louis XIV in fact and fiction.*

BY ALGIS VALIUNAS

**K**ings, queens, and emperors come and go, or used to anyway, in the good old bad old days, and the modern potentates who have left a lasting mark on the popular imagination are few. Henry VIII and Elizabeth I of England, Frederick the Great of Prussia, Peter the Great of Russia, Napoleon and Louis XIV (1638-1715) of France—these are pretty much the only such royals whose names, at least, are familiar to the passably educated. (Louis XVI and Marie Antoinette constitute a category all their own, innocent of any serious accomplishment and known principally for crass repulsiveness and getting what they deserved.)

To good democrats born and bred, even the most flourishing kingship is morally dubious at best, and the greatest and most glorious rulers are remembered as much for gross failings—their vanity, their ostentation, their profligate spending or profligate

sexuality, their indifference to all suffering but their own—as for heroic accomplishments. Three hundred years after Louis XIV’s death, then, it is fitting to recall the Sun King who presided over one of the supremely efflorescent epochs in the history of civilization, as well as the tyrant who thrust Europe into horrific war to avenge pinprick affronts to his amour-propre, fired religious persecution to rampaging frenzy, and most notoriously proclaimed himself to be France’s sole and unrivaled Power: “*L’État, c’est moi*” ranks high in the annals of imperious arrogance.

Of the very greatest of the great, only Napoleon and Louis XIV have earned comparison to the most masterful emperors of the classical world. Napoleon was, of course, the Julius Caesar *cum* Alexander of modern times, the incomparable self-crowned usurper of imperial power, conqueror of the better part of the known world, winner of all available honor and glory. Louis, for his part, excelled in nearly all trademark aspects of kingliness.

Lord Macaulay hailed his surpassing

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virtue in both the arts of war and those of peace: Peerless in the necessary barbarity of the battlefield and the exquisite refinement of the salon, Louis's France enjoyed "over the surrounding countries at once the ascendancy which Rome had over Greece and the ascendancy which Greece had over Rome." Winston Churchill, in *Marlborough: His Life and Times* (1933-38), the biography of the author's most distinguished ancestor (and Louis's military nemesis), attributes every conceivable superiority, "not only military and economic, but religious, moral, and intellectual," to the French nation that pursued and nearly acquired mastery of the entire continent: "It was the most magnificent claim to world dominion ever made since the age of the Antonines."

Great kings win fame by winning wars. Louis XIV came up a loser in the end—the Duke of Marlborough and Prince Eugene of Savoy outmaneuvered the finest French generals—but he prosecuted his everlasting wars with such audacious ambition that he is remembered for military address approaching genius, pitting Roman Catholic France against the massed forces of Protestant Europe, including England, Holland, Prussia, and Sweden. But great kings bring notoriety and shame upon themselves by conducting wars with particular savagery: After the atrocities that attended the destruction of Heidelberg, Macaulay writes in his *History of England*, Louis's name reeked of opprobrium everywhere outside France:

He was called the most Christian Turk, the most Christian ravager of Christendom, the most Christian barbarian who had perpetrated on Christians outrages of which his infidel allies would have been ashamed.

Louis XIV's reign is most celebrated, however, not for the king's own achievements but for the masterworks produced during his tenure by

French poets, playwrights, architects, painters, philosophers, and theologians. Louis gave his name to their genius and made his name thereby. In his *Age of Louis XIV*, Voltaire composes an encomium to the cultural excellence that thrived in ancient Greece and Rome, in Renaissance Florence under the Medici, and in Louis XIV's France, and of the latter he declares his intention to depict "not the actions of a single man, but

grace proliferated like miraculous loaves and fishes. As Voltaire exults, "There will never again be such an era in which a Duke de la Rochefoucauld, the author of the *Maxims*, after discoursing with a Pascal and an Arnauld, goes to the theatre to witness a play of Corneille." However, the king and his courtiers did not always appreciate the offerings with which great artists presented them. The artists knew to tread carefully. Jules

Michelet, who devotes two volumes of his immense *History of France* to Louis's reign, worries ferociously about the telling case of Molière's *Don Juan*: "The court, unlike Molière himself, admired Don Juan, found him the perfect gentleman. He lies, he cheats, drives those who love him to despair." The aristocratic audience failed to embrace the play: "The public was ice."

Yet offensive as Molière's *Don Juan* was, he was not nearly as offensive as he ought to have been. Molière, whose day job was to serve as Louis's *valet de chambre*, could not bring himself to make Don Juan as loathsome as he knew him to be: "Here is what Molière's *Don Juan* lacks in order to be true and historic: baseness, cowardice." To violate the court's sense of honor, to make the king and his men recognize themselves in the vile reprobate—for Louis was a hound,

and so were the boys, and everybody knew it—was more than Molière could ever dare.

It would be left to Mozart to portray the charming seducer, rapist, and murderer in the fullness of his corruption.

Michelet's is the disenchanting republican view of aristocratic moral rot. Voltaire's history is far more admiring of Louis than Michelet's, but there are limits to Voltaire's admiration. Indeed, Voltaire discerns Louis's superior in a political figure of scant consequence: Duke Leopold



Louis XIV

the spirit of men in the most enlightened age the world has ever seen."

The palace and grounds at Versailles are a lasting monument not only to colossal egotism but to great-souled ambition at its worldly best. The pervasive martial spiritedness of the king and his court colored the preoccupations of the great tragedians Corneille and Racine: Their obsessive themes were honor and glory, as they considered these words from every angle and sought to divine their true meaning. Beauties abounded; intellectual



*Palace and gardens at Versailles*

of Lorraine. The inconsequence is essential to the effect.

May it ever be remembered in the minds of men that the ruler who has done the most good for his people was one of the least sovereigns in Europe. He found Lorraine desolate and deserted; he re-peopled and enriched it. . . . In short, during the whole of his reign his only care was to procure peace, wealth, learning, and pleasures for his country.

So Voltaire announces that it was not the Sun King ablaze with glory who best served his people. But best to say it softly: Voltaire buries these two brief paragraphs of praise for Leopold discreetly in the depths of his very long history, and it is easy to skip over the passage in haste. Yet the upshot is momentous: In most respects, Leopold cannot bear comparison with Louis; but in the crucial respect, Leopold deserves the

supreme honor and glory, for performing the sacred duties of rule with true love for his countrymen.

For there is glory and there is glory—and none better to drive the lesson home, in another key altogether from Voltaire's, than Bishop Bossuet, Louis's most prized holy man, and a master of eloquence, who made the funeral oration for court dignitaries a form of art. In one of his most famous orations, Bossuet seizes the occasion of the sudden death of the young and beautiful Duchess of Orleans (the sister of England's Charles II and the wife of Louis's brother) and plows under every last vestige of worldly grandeur: "Greatness and glory! Can we still hear these words in the triumph of death? No, gentlemen, I can no longer endure these great words."

The most exalted grandees must acknowledge their nothingness; only then will they comprehend where

genuine glory lies. Everything under the sun is vanity, all earthly glory is vainglory, so that one must aspire to the perfection of eternal life, where he will enjoy "the consummate light of glory"—God's glory that makes the Sun King's effulgence a paltry thing.

How seriously did Louis XIV take such soulful aspersions on his magnificence? He never wearied of being superb. Death took him just like the rest, but as gangrene gnawed him away from the leg up, he maintained his fearless air, and even his majesty. To his wife, or maybe to a pair of lackeys, he remarked, "Why do you weep—did you imagine I was immortal?" And: "I had always heard that it is difficult to die, but I find it so easy." The Sun King submitted to death's dominion, and did so with unflinching courage that honored life itself. Bright glory remained even as the darkness consumed him. ♦

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# Isle of Retribution

*The BBC does right by Agatha Christie.*

BY HANNAH LONG

It's been a long time since the heyday of the great ensemble detective story. The last such production may be 2001's *Gosford Park*: less a mystery than a meditation on the class system. Sherlock Holmes's 21st-century metrosexual alter ego disdains mystery for melodrama, substance for style. Murder has left the drawing room for the crowded, violent thoroughfare; instead of intelligent puzzles we receive grim and obvious murder plots more interested in the violent act than its cause.

Hopefully, the BBC's recent, lavish adaptation of Agatha Christie's *And Then There Were None* marks a return of intelligent detective fiction to mainstream culture. On the one hand, it was definitely a traditional mystery, being the Queen of Crime's most famous book. But it has been updated successfully, broadening and deepening incipient themes—a successful marriage of puzzle mystery conventions with darker modern sensibilities.

On a technical level, the production is undeniably impressive. Filmed with drones that give it a sweeping, cinematic aspect, it boasts a cast jam-packed with British acting royalty: most notably Charles Dance (*Game of Thrones*) as the dignified Judge Wargrave, Aidan Turner (*The Hobbit*) as cynical Irishman Philip Lombard, Miranda Richardson (*Harry Potter*) as Emily Brent, and Sam Neill (*Jurassic Park*) as General John MacArthur. Burn Gorman, Anna Maxwell Martin, Noah Taylor, Douglas Booth, Maeve Dermody, and Toby Stephens

fill out the ensemble. Masterful character actors all, they're a joy to watch.

As for plot, it's nothing groundbreaking, but remains as powerful in its simplicity as it ever was. With twists and turns and double bluffs, it's a completely engrossing mystery. Ten people



are invited to a party on an island. Ferried across the storm-tossed waves, they climb one by one to the mansion on the hill, establishing character by brief snippets of conversation. The bluff general. The effete dandy. The religious spinster. Fast-forward to dinner, and it becomes apparent that no one knows their host personally. Odd. But no matter, at least the food's good.

When the first guest drops dead, there is a tendency to think they really should have seen this coming: After all, a tangible sense of dread permeates the island. The shadowed halls, the tempestuous sea and stormy sky, the ghosts of guilt haunting the victims—it all builds to a nerve-wracking, claustrophobic atmosphere. After the second death, the characters start to piece it together.

This inevitability lends the proceedings the urgency and paranoia of a psychological thriller. Usually, the detective has the privilege of investigating the crime after it's over, from a position of safety; but every person on Soldier Island is a crime scene waiting

to happen. "We're being *hunted*," whispers Philip Lombard. This isn't a murder mystery; it's a horror film.

However, this is horror from a place of morality. Despite the apparent randomness of death by rhyme, these murders are anything but arbitrary. Early on, a sonorous recording echoes throughout the house, listing the sins for which each person is being punished. Each of them has a death on their conscience. The neglectful babysitter. The abusive policeman. The reckless doctor.

Cleverly, the story is presented to us by way of charismatic bright young things: We don't want them to die, and by default, they have the audience's sympathy. As the story progresses, and we learn the circumstances and motivations of their crimes, the characters are stripped of comforting justifications. We begin to understand that behind all their excuses lurks nothing but selfishness. Some are without shame. Others bury the truth under an orgy of sensuality and self-indulgence. Still others make their peace with it. They are, in microcosm, the story of humanity reacting to the reality of death.

This darkness is tempered by an overarching sadness. The series' most touching moment is bloodless and gentle, yet devastating, as a character who is perhaps the least sympathetic to modern eyes finally understands his guilt. The tragedy is that this is truth without repentance, guilt without possibility of expiation.

Agatha Christie has an unfair reputation as a cozy novelist. In fact, she was very realistic about human frailty. Her stories bring violence to the center of ordinary life and show even the most respectable of people committing unspeakable crimes. Many adaptations of *And Then There Were None* attempt to soften its essential tragedy, offering up a happy, crowd-pleasing ending. This one, by focusing on the cost of death, on the weight of taking human life, may be more true to Dame Agatha's spirit than any campy Miss Marple flick and yet more moral than the brutal pulp fiction served up daily on our screens. ♦

Hannah Long is a writer in Rural Retreat, Virginia.

**“Arnold Schwarzenegger called John Kasich an ‘action hero’ for America on Sunday as he endorsed the Ohio governor for the Republican nomination for president at a campaign rally in the candidate’s home state.”**

**PARODY**

—Time, March 7, 2016

So we were... right. So doesn't that make...

MARCH 14, 2016

ONE DOLLAR CHEAP

# SCHWARZENEGGER TO THE RESCUE

*Actor Sent Back in Time to Terminate Trump Campaign*

By SARAH CONNOR

COLUMBUS — In a last-ditch effort to prevent Donald Trump from securing the Republican nomination for president, Ohio governor John Kasich dispatched Arnold Schwarzenegger through time in order to thwart the billionaire real-estate mogul. At a press conference, Mr. Kasich expressed regret that it's come to this but that “desperate times call for desperate measures.”

“I hate messing with the space-time continuum, I really do,” said Mr. Kasich. “But with winner-take-all primaries this week both here and in Florida, there’s just too much at stake.” Mr. Schwarzenegger, who recently endorsed the Ohio governor, traveled this morning back to June 16, 2015, in order to disrupt Mr. Trump’s announcement of his candidacy. As for the machine itself, Mr. Kasich explained his \$2 billion state surplus would have been \$3 billion had they not spent the money on time-travel research. “If Arnold can convince voters early on that Mr. Trump is a fraud, it’ll be money well spent,” said the governor. Mr. Schwarzenegger will also try to convince Jeb Bush that his campaign is doomed.

As of this writing, however, polling numbers have yet to change. But Mr. Trump is now saying he suddenly remembers his



Trump: Gage Skidmore

As Trump speaks on June 16, 2015, Arnold Schwarzenegger waits to make his move.

announcement being disrupted and a laser pointer aimed at his forehead. “There was this chase all over the city,” he now recalls. “Arnold was telling people my last name was really Drumpf and that I have small hands. Talk about your true lies!”

The candidate apparently redirected the criticism. “Instead, I told Arnold if

he wanted to make real use of that time machine, he ought to go back to the 1990s and tell himself not to make that flop of a movie, ‘Last Action Hero.’ What a stinker. And while he’s at it, convince his younger self not to mess around with his house-

*Continued on Page A12*

## White Particle Vanishes From Cruz’s Mouth

the weekly  
**Standard**

*‘Arnold Told Me to Floss Before Debate’*

MARCH 21, 2016